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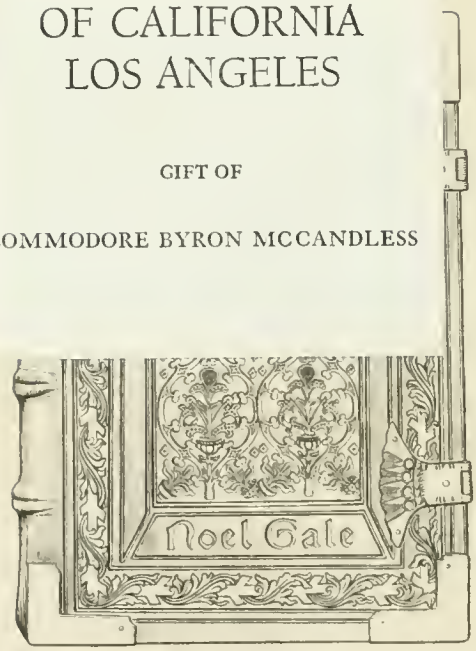

LIBRARY OF CONGRESS

JOURNALS OF THE CONTINENTAL CONGRESS 1774-1789

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FACSIMILE

Articles of Confederation while in Committee of the Whole Congress . . . . Frontispiece to Vol. IX

PREFATORY NOTE

The most important subject which engaged the Continental Congress in the year 1777 was the "Articles of Confederation," which after long consideration were laid before the States in November. The earlier forms of this instrument have been given in the volumes for 1776. By the reproduction in facsimile of a copy of the second printed version, with MS. notes and emendations, the story of the consideration is more clearly told than by the text of the Journals. The final changes and form are given in the parallel versions printed under November 15, 1777. The amendments proposed by Thomas Burke (printed under May 5), and the various reports and motions made from time to time, throw not a little light upon the spirit actuating some of the States, and point to the difficulties which were encountered in framing Articles that could be accepted by all of the thirteen separate and in a measure, independent, political entities.

The increasing financial pressure is shown by the report on the Treasury (printed under June 11), the resort to bills of exchange on the American Commissioners in France, and the demands on the part of some of the States to have Continental bills with which to redeem their own issues. The rising quantities of paper, issued by Continent and States, without adequate funds for their support, produced the natural consequences of high prices, distrust and depreciation, against which the legislative bodies were helpless. The lottery, loan-offices, and new

emissions of bills served to increase the derangement of the currency and emphasize the difficulties of obtaining funds to meet the large and increasing expenditures incident to war.

The Address to the Inhabitants of the United States, prepared by James Wilson, is now published for the first time, as are the reports of the Committees to Camp (August 5 and December 16), and the reports and resolution on the correspondence between Generals Heath and Burgoyne (December 27). The numerous reports prepared by the Board of War and of the Treasury have given many paragraphs of interest, which were rejected or ordered to lie, and contain a few items concerning the jealousy of Washington on the part of some members of Congress and some officers in the army.

I have included a few extracts from the letters of Delegates to the Congress to the State authorities, because a collection of these letters is now being made by the Carnegie Institution.

WORTHINGTON CHAUNCEY FORD
Chief of Division of Manuscripts
Editor

HERBERT PUTNAM
Librarian of Congress
December 15, 1906.

JOURNALS OF CONGRESS

1777

BALTIMORE

WEDNESDAY, JANUARY 1, 1777

Resolved, That 2,000 dollars be advanced to the Committee of Secret Correspondence; they to be accountable:

That 150 dollars be advanced to the Board of War; they to be accountable.

Congress being informed that [Lieutenant] Colonel Baylor, General Washington's aid de camp, who brought the despatches from General Washington, read yesterday, was at the door,

Ordered, That he be admitted.

Lieutenant Colonel Baylor being ||accordingly|| admitted, gave a particular account of the late action at Trenton, and withdrew.

Resolved, That a horse, properly ~~accoutred~~ caparisoned for service, be presented to Lieutenant Colonel Baylor, and that he be recommended to General Washington to be ~~promoted to be colonel of a~~ appointed to the command of a regiment of light horse; and that he rank with Colonel Sheldon, lately appointed to the same command, saving to Colonel Sheldon any preference which arises from the senior date of his commission.

Resolved, That the sum of £7.1.7=18 79/90 dollars be paid to Colonel Walter Stewart, for his expences in going to Peeks Kill with despatches for General Lee.

Congress proceeded to the election of Commissioners to the courts of Vienna, Spain, &c, Whereupon:

Resolved, That Doct[r] Franklin be directed to proceed to the court of Spain and there transact in behalf of the united States such business as shall be intrusted to him by Congress agreeable to the instructions that may be given him and transmitted by the Committee of Secret Correspondence.

Ordered, That the Committee of Secret Correspondence prepare a commission for doct. Franklin.

Resolved, That the appointment of Ministers to the other Courts be postponed to Friday next.

Resolved, That all the prisoners ||now|| in the town of Baltimore, be sent under a guard to Lancaster, in Pensylvania, and there closely confined in the stockaded fort, erected for securing prisoners; and that it be earnestly recommended to the committee of inspection of Lancaster, not to permit any person to converse with them, except in the presence of the officer of the guard:

That the committee of inspection of Baltimore, be requested to send the prisoners under guard to Lancaster, and deliver them, with a copy of the above resolution, to the committee of that borough.

An intercepted letter from Pat[rick] Tonyn, Esq[r], Governor of East Florida, to the right hon[ble] Lord George Germain, dated St. Augustine, 19 July, 1776, being laid before Congress,

Resolved, That a letter be written by the President to the president and council of the state of Georgia, enclosing a copy of the said intercepted letter, recommending

to the said president and council, that they proceed immediately to apprehend and secure George McIntosh, and take such ||other|| effectual measures therein, as they shall judge necessary, for the safety of the united States of America.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

THURSDAY, JANUARY 2, 1777

The Committee of Secret Correspondence brought in the form of a commission to B. Franklin, commissioner to the court of ~~France~~ Spain, which was read, and after debate:

Resolved, that it be re-committed to a committee of three.

The members chosen, Mr. [Samuel] Chase, Mr. [James] Wilson, and Mr. [John] Adams.

A memorial from Thomas Irving, a prisoner of war now in Baltimore, was presented to Congress, and read, praying to be set at liberty, or ||allowed|| to proceed on his return to Carolina, agreeable to a permission granted him by Governor Trumbull:

Resolved, That Mr. Irving be permitted to proceed to South Carolina, under his present parole, to be, when he arrives there, under the direction of Governor Rutledge, or the executive power of that state.

~~Resolved, that the Board of War~~

The Secret Committee having informed Congress that the *Lexington* was arrived at the port of Baltimore, with a number of sailors prisoners and a French gentleman, who was come to offer his service to Congress,

Resolved, That the Marine Committee be directed to take into consideration the case of sailors taken prisoners, and report thereon to Congress:

That the French gentleman, arrived in the *Lexington*, be referred for examination to General Gates.[1]

The Board of War, to whom the memorial of Colonel Antil was referred, brought in a report, which was taken into consideration: Whereupon,

Resolved, That Colonel Samuel Patterson, at Christiana bridge, be authorized to muster such companies of Colonel Hazen's batallion as shall march by that place in their way to Philadelphia; and to deliver to such companies as many arms as they may have occasion for:

That Mr. Robert Dill be appointed pay master of Colonel Hazen's batallion.

Resolved, That Mr. [Jonathan D.] Sergeant and Mr. [Oliver] Wolcott be added to the Marine Committee, in the room of the members from New Jersey and Connecticut, who are absent.

The Committee to whom the commission was re-committed, brought in the same, which was read and agreed to.

Ordered, that a copy be made out and transmitted to Mr. Franklin.

That a ~~similar~~ new commission be sent to the Commissioners to the Court of France, including the farther powers given in the commission now agreed to.

Resolved, That General Washington be directed to propose an exchange of the six Hessian field officers, taken at Trenton, for General Lee.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

[1] This was M. Guillaume de Luce, a lieutenant of dragoons in the French service. Gates's report is in the *Papers of the Continental Congress*, No. 154, 1, folio 131.

FRIDAY, JANUARY 3, 1777

A letter, of the 29, from General Washington, at Newton; and of the 30 and 31 December, from ||Messrs.|| [Robert] Morris, [George] Clymer and [George] Walton, were read:[1]

Ordered, That the letter from the committee of Congress be referred to the committee on the letter from Mr. Kennon; and that two members be added to that committee, and that they meet, and proceed on the business, and report to Congress as soon as possible:[2]

The members added, Mr. [Roger] Sherman and Mr. [Samuel] Chase.

A letter, of this day, from Major Ottendorf, was read, and referred to the Board of War.

The delegates from Connecticut produced credentials of their re-appointment, which were read as follows:

STATE OF CONNECTICUT. *At a General Assembly of the Governor and Company of the State of Connecticut, in America, holden at New-Haven, on the 2d Thursday of October, Anno Dom. 1776.*

Resolved by this Assembly, That Roger Sherman, Samuel Huntington, Eliphalet Dyer, Oliver Wolcott, Richard Law, and William Williams, esqrs. be, and they are hereby, appointed Delegates to represent this State at the General Congress of the United States, in America, for the Year ensuing: and, untill new be chosen, any or either of them who shall be present in said Congress, are hereby fully Authorized and Empowered to represent this State in said Congress; to Consult, advise, and Resolve upon Measures necessary to be taken and pursued for the defence, security, and preservation of the Rights and Liberties of the said United States, and for their common Safety.

[1] The letter of Washington is in the *Papers of the Continental Congress*, No. 152, III, folio 413. It is printed in *Writings of Washington* (Ford), V, 136. That of the Philadelphia committee is in No. 137, *Appendix*, 49.

[2] For this committee see under December 31, 1776, *ante*.

And of such their proceedings and Resolves, they do transmit Authentic Copies, from Time to Time, to the General Assembly of this State.

A true Copy of Record, Examined by

GEORGE WYLLYS, *Secretary.*[1]

Resolved, That General Washington be directed to propose and conclude with General Howe an agreement, whereby those that are or may be made prisoners by the enemy, may be supplied with provisions, and other necessaries, at the expence, or on the credit, of the united States.

Resolved, That General Washington be desired ~~to take the most effectual measures for the redemption of~~ to offer, in exchange, one of the Hessian field officers, lately taken, for ||Colonel|| Ethan Allen.

Resolved, That the treasurer be directed to pay to Joseph Trumbull, Esq. commissary general, the sum of three hundred thousand dollars, by an order on such of the commissioners of the loan offices in New England, as shall be in cash at the time of the draught; the said commissary general to be accountable.

[*Note.*] I ||The president|| drew an order,

On the commissioner in Massachusetts Bay,	150,000
Do. on commissioner in Connecticut,	150,000
	300,000

J. H. P^{t}.[2]

Whereas Congress hath received information that the honorable Richard Stockton, Esq. of New Jersey, and a member of this Congress, hath been made a prisoner by

[1] The original is in the *Papers of the Continental Congress*, Connecticut, *Credentials of Delegates.*

[2] The note is in the writing of John Hancock.

the enemy, and that he has been ignominiously thrown into a common gaol, and there detained;

Resolved, That General Washington be directed to make immediate enquiry into the truth of this report, and if he finds reason to believe it well founded, that he send a flag to General Howe, remonstrating against this departure from that humane procedure that has marked the conduct of these states to prisoners, who have fallen into their hands; and to know of General Howe, whether he chuses that this shall be the future rule for treating all such, on both sides, as the fortune of war may place in the hands of either party.

Resolved, That Dr. [Jonathan] Elmore and Dr. [Nathan] Brownson be added to the Medical Committee.

Resolved, That a committee of three be appointed to revise the articles of war, and report what additions and alterations ought, in their opinion, to be made therein:

The members ||elected,|| Mr. [Thomas] Heyward, Mr. F[rancis] L[ightfoot] Lee, and Mr. [Abraham] Clark.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

SATURDAY, JANUARY 4, 1777

Ordered, That the hearing and determining upon the appeal against the sentence on the libel, "John Craig *versus* brig *Richmond*, &c." be referred to the committee appointed to hear and determine an appeal on the 27 of November last; and that Mr. [Jonathan Dickinson] Sergeant and Mr. [William] Ellery be added to the said committee, in the room of Mr. [George] Wythe and Mr. [Robert Treat] Paine.

Resolved, That Benjamin Brannon be appointed a signer of the continental bills of credit.

The committee appointed to repair to the army, brought in a report, which was read, and referred to the Medical Committee.

Resolved, That Gerard Hopkins, son of Richard, be appointed deputy quarter master.

Resolved, That an auditor of accounts be appointed in the room of Thomas Smith, Esq. who is appointed a commissioner of the loan office for ||the state of|| Pensylvania; and, the ballots being taken,

Samuel Downe, Esq. was elected.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock on Monday next.

MONDAY, JANUARY 6, 1777

A letter, of the 1st, from General Washington;

One, of the 2d and 3, from the committee of Congress, in Philadelphia;

One, of the 1, from W. Palfrey to R[ichard] Peters, secretary of the Board of War; and one, of the same date, from Mr. Palfrey to Congress;

One, of the 31 of December, from C[arpenter] Wharton;

One, of the 3d, from General Putnam, with a letter to him enclosed from Adjutant General Reed; and one, of the 4, from G[eorge] Morgan, with sundry papers enclosed, ||were read:||[1]

[1] The letter of Washington is in the *Papers of the Continental Congress*, No. 152, III, folio 429. It is printed in *Writings of Washington* (Ford), V, 139. That of the Philadelphia committee is in No. 133, *Appendix*, folios 57 and 61; that of Putnam is in No. 159, folio 25.

Ordered, That the letters from Mr. Palfrey be referred to the Board of Treasury.

Resolved, That 70,000 dollars be advanced to Joseph Pennel, for the purpose of laying in magazines of provisions, and charged to the account of Carpenter Wharton; and that Mr. Pennel be directed, in making the purchase, so to conduct himself, as not to bid upon others purchasing for the Continent.

Ordered, That the letter from G[eorge] Morgan, with the papers enclosed, be referred to a committee of three:

The members chosen, Mr. R[ichard] H[enry] Lee, Mr. S[amuel] Adams, and Mr. [Matthew] Thornton, who are directed to confer with Mr. Morgan.

Resolved, That the committee on General Schuyler's letters be authorized to employ persons to contract with the owners of founderies for a sufficient quantity of cannon, for the fortresses at or near Ticonderoga.

Resolved, That the Board of War be directed to send an express, to hasten the march of Colonel Mackay's batallion, and the troops who have joined him, to Philadelphia, or to General Washington's army; and also to send an express, to hasten up the light horse from Virginia, desiring the commanding officer not to delay their march on account of any prisoners he may have with him; but, leaving them in some secure place, to proceed with his troops, with all possible despatch, by forced marches, to join General Washington.

Resolved, That the president of the council of Massachusetts bay be desired to administer an oath to Samuel Downe, Esq. one of the commissioners for adjusting the accounts of the army, under the command of General Washington, for the faithful discharge of his duty, and give him a certificate thereof.

Congress being informed that Major General Lee hath, since his captivity, been committed to custody of the provost, instead of being enlarged upon his parole, according to the humane practice that has taken place with officers of the enemy who have fallen into the hands of the American troops; a treatment totally unworthy of that gentleman's eminent qualifications, and his rank in the service of these united States, and strongly indicative of farther injuries to his person:

Resolved, That General Washington be directed to send a flag to General Howe, and inform him, that, should the proffered exchange of General Lee for six Hessian field officers not be accepted, and the treatment of him, as above mentioned, be continued, that the principles of retaliation shall occasion five of the said Hessian field officers, together with Lieutenant Colonel Archibald Campbell, or any other officers that are, or shall be, in our possession, equivalent in number or quality, to be detained, in order that the same treatment which General Lee shall receive, may be exactly inflicted upon their persons.

Ordered, That a copy of the above resolution be transmitted to the council of Massachusetts bay, and that they be desired to detain Lieutenant Colonel Campbell, and keep him in safe custody till the farther order of Congress; and that a copy be also sent to the committee of Congress, in Philadelphia; and that they be desired to have the prisoners, officers and privates, lately taken, properly secured in some safe place.

Resolved, That two months' pay be advanced to the seamen who will engage to serve on board the continental frigate *Virginia*, the same to be deducted out of their share of the prizes taken by the said frigate.

~~Congress being informed that an officer in the service of this state has used the president with great insolence~~

~~and availing himself of his not being in the service of the united states has dared to extend it to threats of violence,~~

~~Resolved, That the president address a letter to the Council of Safety of Maryland informing them of the particular circumstances of this affair and that they be requested to take such measures therein as shall put an effectual stop to such practices.~~[1]

The Medical Committee brought in a report, which was read:

Ordered, That it be referred till to Morrow.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

TUESDAY, JANUARY 7, 1777

A letter, of the 6, from J. F. C. Lignet, was read, and referred to the Medical Committee.

A petition from Elizabeth Garvin was read, and referred to the delegates of Maryland.

Resolved, That the delegates of Maryland and Mr. [John] Witherspoon be a committee to consider the case of the prisoners in Baltimore.

Resolved, That two months' pay be advanced to the men on board the *Lexington*, as a gratuity for their services, in rescuing from the enemy, and bringing in, the *Lexington*.

The Committee of Treasury reported, that there should be advanced to Mr. John Doughty, for his expences in conveying loan office certificates from Hartford to the

[1] In the margin is written the word "accommodated," in the writing of John Hancock.

several commissioners of the loan offices in New England, the sum of [£40=] 106 60/90 dollars; he to be accountable:

That there should be advanced to Richard Dorsey and Larkin Dorsey, to purchase horses, and for their expences as an escort to John Doughty, with loan office certificates to New England, the sum of [£150=] 400 dollars; they to be accountable.[1]

Resolved, That this Congress resolve itself into a committee of the whole to take into consideration ~~the~~ a proposition for ~~undertaking~~ setting on foot an expedition against Nova Scotia and after some time spent thereon the president resumed the Chair and Mr. [Thomas] Nelson reported that the Committee have come to a resolution which he was ready to report.

Ordered that the report be received.

The report being received was read.

Ordered to lie on the table till to Morrow.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, JANUARY 8, 1777

A letter, of the 5, from the committee of Congress in Philadelphia, was read:[2]

Resolved, That General Washington be directed to propose to General Howe, an exchange of Lieutenant Colonel Gezeau, a French gentleman taken with General Lee, and said to be then on his journey to solicit a commission

[1] This report is in the *Papers of the Continental Congress*, No. 136, I, folio 91.

[2] This letter is in the *Papers of the Continental Congress*, No. 133, *Appendix*, folio 65.

from Congress, for an officer of equal rank, or take such other measures as shall be effectual to obtain his release.

The Committee of Treasury laid before Congress a farther list of persons recommended by the treasurer to sign the bills of credit, who were approved of, and are as follows: William Gibson, ~~William Lyon, Robert Smith,~~ John Philpot, Richard Johns, ~~John Harris, Thomas Hammond,~~ Robert Dorsey, and Mark Alexander.

The committee appointed to take into consideration a letter from William Kennon to General Lee, relative to magazines of provisions laid in by the said William Kennon, in the states of South Carolina and Georgia, as it is said, by order of General Lee, brought in a report, which was taken into consideration; Whereupon,

Resolved, That it be recommended to the president of the state of South Carolina, and to the president of the state of Georgia, to appoint proper persons to enquire what quantity of provisions have been stored by William Kennon for public use, agreeable to engagements made with General Lee; and that they take such provisions off Colonel W. Kennon's hands, allowing him the price thereof, if they judge it reasonable, with an adequate recompence for his trouble and expences; that they fulfil any engagements he may be under, by having pledged his credit, they receiving the provisions for which such engagements have been made. That the presidents of the said states also appoint commissaries to remove such provisions as are fit for use, to places of safety and to make returns, as soon as may be, of the quantity and cost thereof: That the presidents of those states also certify to the continental treasury office, the amount of the said William Kennon's demand against the Continent, and that it will be paid accordingly to the said William

Kennon, or any others applying in his behalf, properly empowered for that purpose.

Congress resumed the consideration of the report from the Committee of the whole, which was agreed to as follows:

Resolved, That the council of the state of Massachusetts bay be desired to attend to the situation of the enemy in the province of Nova Scotia, and, if they are of opinion that an advantageous attack in the course of the winter or early in the spring may be made on fort Cumberland and the said province, whereby the enemy's dock yard and other works with such stores as cannot be speedily removed can be destroyed, they are hereby impowered to conduct the same in behalf of these united States; to raise, subsist and pay a body of men not exceeding three thousand under such officers as they shall appoint for carrying on the said expedition; and for this purpose to provide suitable magazines of military and other stores and convey them to such of the eastern parts of the said state as they shall think best, and they are desired to conduct this affair in the most secret manner that the nature of such an enterprize will admit and to apply to Congress for a sum of money sufficient to accomplish the design which they may form relative thereto.

Ordered, that a copy of the above be sent by express to the Council of Massachusetts bay, and that General Washington be informed thereof, and that the said resolution and all debates had thereon be kept secret till the farther order of Congress.

The committee, to whom the letter of G[eorge] Morgan was referred, brought in a report, which was taken into consideration; Whereupon,

Resolved, That, pursuing the idea of Congress for quickly reinforcing the army, the governor of Virginia be desired, by letter from Mr. President, to order Colonel Wood's and the West Augusta batallions to march immediately by the nearest routs to join General Washington in New Jersey; leaving proper recruiting officers behind to complete the batallions, if they are not already full, and to follow on with their recruits:

That for the defence of the western frontiers of Virginia against Indian incursions, the forts Pitt and Randolph be each garrisoned at continental expence, with a company of an hundred men, commanded by one captain, two lieutenants, one ensign, and the usual inferior non-commissioned officers:

That the governor and council of Virginia appoint and commissionate, with continental commissions, the proper officers to recruit and command said companies, and that the men be inlisted during the war:

That provision for 2,000 men, six months, be laid in at fort Pitt, to be in readiness, if it should become necessary, to chastise Indian irruptions, by going to their towns:

That 100 bushels of salt be ordered by the Secret Committee from the continental stock, for the purpose of curing said provisions:

That as many boats and proper vessels be procured, as may be sufficient for conveying 1,500 men, with their provisions, from Pittsburg, to Hockhocking; and that that they be kept in readiness at Pittsburg:

That the goods mentioned in Mr. Morgan's letter, be purchased, and brought down to this place immediately, except the powder and lead, which may remain at Pittsburg, for public use on that quarter:

That the sum of 4,500 dollars be advanced to Mr. Morgan on account, for the following uses, viz.

For expences incurred by order of the commissioners,	600
For contingent expences of his department until June next,	600
Various charges and expences in transporting goods,	600
For purchasing provisions and casks for packing, &c.	2,700
	4,500

That Mr. Morgan be authorized to draw a bill on the president of Congress, for the amount of the goods already mentioned, which he estimates at 4 or 5,000 dollars:

That Mr. Morgan have the rank and pay of a colonel on the continental establishment:

That John Fernee be paid the sum of 50 dollars, for a waggon horse, stolen from him by the Seneca Indians, as he returned from the late treaty at Pittsburg:

That Colonel Morgan appoint a proper person deputy commissary, for providing and taking care of the provisions for the garrisons upon the western frontiers of Virginia, and to take care of the provisions and other continental stores, laid up at those places, for Indian expeditions, and other public purposes; and the said commissary is directed to receive the provisions, and fulfil the contracts made by the government of Virginia, for victualling and supporting said western garrisons:

The Committee of Treasury reported that there is due,

To Peter Galloway, for riding express to Frederic and Annapolis, in Maryland, the sum of 13 30/90 dollars:

To John Biddle, for furnishing provisions to men, women and children, prisoners, at Reading, 333 80/90 dollars:

They farther reported that they have examined the accounts of Robert Jewell, for the maintenance of prisoners in the new gaol of Philadelphia, and for the salary of himself and two assistants, &c. amounting, in the whole, to [£668.17.3=] 1,783 57/90 dollars; of which he has received the president's warrant for 500 dollars; that there remains a balance due to him of 1,283 57/90 dollars:

That there is due to the Honble Roger Sherman, for money advanced by him to Andrew Gilman, to pay the expences of the Penobscot Indians, who joined General Washington, 48 30/90 dollars, the said Gilman to be accountable:

That there is due to the honourable Samuel Chase, Esq. the sum of 400 dollars, 200 of which sum was advanced by him to Captain Levin Winder, for the expence of conveying the North Carolina prisoners to Baltimore, and 200 dollars advanced to Mountjoy Bayly, for the expence of Jersey prisoners from Philadelphia to Frederictown; the said Winder and Bayly to be accountable.[1]

Ordered, That the said accounts be paid.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

THURSDAY, JANUARY 9, 1777

Resolved, That Udney Hay, Esq. be appointed a lieutenant colonel by brevet, and assistant deputy quarter master general, and stationed at Ticonderoga:

That William Clajon, secretary to General Gates, be appointed interpreter for the northern department, and that he be allowed, as secretary and interpreter, the pay of 66 dollars a month:

[1] This report is in the *Papers of the Continental Congress*, No. 136, I, folio 93.

The committee, to whom the petition of the North Carolina prisoners was referred, brought in a report, which was taken into consideration; Whereupon,

Resolved, That a good and convenient house, if possible, be provided for their reception; that they be put upon their parole, and that an oath be administered to them, after the manner used in Scotland; and, at the same time, that a sergeant's guard be kept at the house, to prevent all suspicion of improper intercourse with them:

That Captain John Mackenzie, who was enlarged upon his parole several months ago, and has since resided in Donnegal, in Pensylvania, be permitted to go home to his family, he giving his ~~parole~~ oath to do nothing to the prejudice of the American States, or any of them, and finding security in the sum of £500, to observe this engagement, as also, that he shall present himself ~~with~~ this resolution to the executive powers of North Carolina, for their concurrence, and be entirely subject to their directions.

Resolved, That 266 2/3 dollars be advanced to Captain Lee for the use of the light horse under his command, on their march from Virginia to join General Washington; the said Captain Lee to account with the pay master general for the expenditure.

Congress resumed the consideration of the report of the Medical Committee; Whereupon,

Resolved, That Dr. John Morgan, director general, and Dr. Samuel Stringer, director of the hospital in the northern department of the army of the united States, be, and they are hereby, dismissed from any farther service in said offices:

That the directors of the military hospitals throughout the army, with the assistance of the hospital and regi-

mental surgeons in each department, make returns to Congress, as soon as possible, of the kind and quantity of medicines, instruments, and hospital furniture that remain on hand.

A letter, of the 6th, from the committee of Congress at Philadelphia, enclosing one, of the 5th, from General Putnam, at Bristol, and a copy of one, of the 4th, from Major A. Hubley at Bordentown, were read, and referred to the Committee of Intelligence; also,[1]

One, of the 18 December, [1776,] from the council of Massachusetts bay, was read, and referred to the Board of War.

Resolved, That the president be desired to write to the executive powers of the different united States, requesting that they will, as soon as possible, inform Congress, what success the officers in their respective states have met with, in raising the troops, required by the resolve of the 16 September.[2]

The delegates from ||the state of|| Massachusetts bay, laid before Congress the credentials of their appointment, which were read as follows:

In Council, *December 10th, 1776.*

Whereas John Hancock, Samuel Adams, John Adams, Robert Treat Paine, Elbridge Gerry, Francis Dana, and James Lovell, esqrs. have been chosen, by joint ballot of the two houses of assembly, to represent the state of Massachusetts-Bay, in New-England, in the American Congress, until the first day of January, anno Domini 1778:

Resolved, That they, or any three or more of them, are hereby fully empowered, with the delegates from the other American States, to concert, direct and order such further measures, as shall to them appear best calculated for the establishment of right and liberty to the

[1] The letter of the Philadelphia Committee is in the *Papers of the Continental Congress*, No. 137, *Appendix*, folio 69. That of Massachusetts Council is in No. 65, I, folio 151.

[2] This letter is printed in *Pennsylvania Archives*, First Series, V, 179.

American states, upon a basis permanent and secure against the power and art of the British administration; for prosecuting the present war, concluding peace, contracting alliances, establishing commerce, and guarding against any future encroachments and machinations of their enemies, with power to adjourn to such times and places, as shall appear most conducive to the public safety and advantage. And the secretary is hereby directed, as soon as may be, to signify to each of those gentlemen their appointment, with an attested copy of this resolve.

Sent down for concurrence.

JOHN AVERY, *Dep. Secretary.*

IN THE HOUSE OF REPRESENTATIVES, *December 10, 1776.*

Read and concurred,

SAM^L^. FREEMAN, *Speaker pro. tem.*

Consented to by the major part of the council.

A true copy, JOHN AVERY, *Dep. Secretary.*[1]

Resolved, That Mr. [Nathan] Brownson be appointed a member of the Marine Committee:

That two members be added to the committee for regulating the several boards of business:

The members chosen, Mr. [Roger] Sherman and Mr. [Thomas] Heyward.

The committee appointed to take into consideration the letter from the committee of Congress at Philadelphia, relative to the means of procuring provisions in the middle and southern states, for the supply of the continental army, brought in a report, which was taken into consideration: ||Whereupon,||

Resolved, That it be most earnestly recommended to the executive powers of the States of Georgia, South Carolina, North Carolina, Virginia, and Maryland, immediately to appoint suitable persons, to purchase and collect such quantities of beef and pork as they have or can

[1] The original is in the *Papers of the Continental Congress,* Massachusetts, *Credentials of Delegates.*

obtain salt to cure; that each state, shall make use, not only of the salt within its own limits, but shall have recourse to its neighbours, either by bringing salt from them, or sending their live hogs and cattle to be killed and salted there. That the persons employed to execute this business, be directed to make use of the utmost œconomy, and cautiously avoid bidding upon each other, whereby great injury hath already been done to the public.

That in the opinion of Congress, the executive powers of the several States, above-mentioned, would do well to limit the prices of the said articles, and not suffer the persons employed in purchasing, to exceed them; and that the purchasers should be paid a reasonable commission upon the purchases, in order to stimulate them to be active and industrious:

That the provisions be stored in secure and suitable magazines, convenient to transportation; and that the several States, whom this resolve is intended particularly to affect, may more effectually co-operate to accomplish this important purpose, it is recommended to the said executive powers, that they confer together by epistolary correspondence, or such other manner as they may think best, in order to pursue some general and beneficial plan, in which they may be mutually useful to each other:

That Mr president communicate to Joseph Trumbull, Esq. commissary general, such part of the committee's letter as relates to Carpenter Wharton: That it be recommended to the Secret Committee to fall upon some expedient immediately, to supply the state of North Carolina with salt, for the purpose of carrying the foregoing resolution into execution.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

FRIDAY, JANUARY 10, 1777

A petition from William Goddard, and one from Elisha Painter, were read and referred to the Board of War.[1]

Resolved, That 60,000 dollars be advanced to the State of Maryland for public service, the said State to be accountable.

||*Resolved*,|| That 300,000 dollars be sent to Eb[enezer] Hancock, Esq. the deputy pay master general in the eastern department, for the purpose of paying the bounties and defraying the expences of raising the new levies in that department.

||*Resolved*,|| That 16,666 2/3 dollars be advanced to the delegates of Georgia, for the use of that State, which is to be accountable.

Resolved, That the following gentlemen be appointed signers of the bills of credit, in addition to those already appointed, viz: ~~William Neil, Lemuel Crawath, Hugh Young,~~ John Dorsey ~~Brian Philpot~~ and Edward Gater.

Congress resolved itself into a committee of the whole, to take into consideration the state of the treasury, and the means of supporting the credit of the continental currency; and, after some time spent thereon, the president resumed the chair, and Mr. [Thomas] Nelson reported, that the committee have had under consideration the matters referred to them, but not having come to a conclusion, desired leave to sit again.

Resolved, That this Congress will, to morrow, resolve itself into a committee of the whole, to take into further consideration, the state of the treasury, and the means of supporting the credit of the continental currency:

[1] Painter's petition is in the *Papers of the Continental Congress*, No. 41, VIII, folio 3.

That 600 dollars be advanced to Major Ottendorf, for the purpose of recruiting his independent company of 150; he to be accountable.[1]

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

SATURDAY, JANUARY 11, 1777

Resolved, That the determination on the sentence of the court martial, passed on Colonel ~~Duncan~~ Donald Campbell, be referred to General Gates for his approbation or disapprobation; any thing in a former resolve, referring it to General Schuyler, to the contrary, notwithstanding.[2]

Resolved, That 1,066 2/3 dollars be advanced to Henry Hollingsworth, for the purpose of supplying the troops from Virginia on their march to Philadelphia; he to be accountable.

That 266 2/3 dollars be advanced to Captain John Jamison, and 266 2/3 dollars to Major Theodorick Bland, both of the light horse from Virginia, for defraying the expence of the troops under their command; they to be accountable.

It being represented in Congress, that persons disaffected to the American cause, have, through inadvertence, been employed as deputy post masters and post riders; which, if true, must be attended with the most mischievous effects;

Resolved, That the post master general be, and hereby is directed to transmit to Congress, a list of names of the

[1] This paragraph is in the writing of John Hancock.

[2] See under October 16, 1776, Vol. VI, 882.

persons so employed, and by whose recommendations they were introduced, that Congress may consider, and, if necessary, take order thereon; and that he assign reasons why the late resolves of Congress, for regulating the post office, are not carried into execution.

Resolved, That an ~~Indian~~ agent be appointed for transacting business between the United States and the several Indian nations and tribes in Nova Scotia, and the country to the northward and eastward thereof; and that Tuesday next be assigned for electing one.

Resolved, That a committee of ~~three~~ four be appointed to prepare a ~~plan~~ resolution to regulate the impressing of waggons and horses for the public service:

The members elected, Mr. R[ichard] H[enry] Lee, Mr. [Roger] Sherman, Mr. [John] Witherspoon and Mr. [Samuel] Adams.

An appeal being lodged against a sentence passed in the court of admiralty for the State of Rhode Island, in the libel Job Pierce *qui tam vs.* the brig *Phœnix*:

Ordered, That the hearing and determining the said appeal be referred to the committee appointed on the 4th instant.

~~Congress resolved itself into a committee of the whole to take into consideration the state of the treasury and the means of supporting the credit of the continental currency, and after some time spent thereon the president resumed the chair, and Mr [Thomas] Nelson reported that the Committee have had under consideration the matters referred to them.~~

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock on Monday.

MONDAY, JANUARY 13, 1777

A letter, of the 5, from General Washington, at Pluckemin, between Somerset Court House and Morris town in New Jersey.

One, of the 7 and 8, from the committee of Congress at Philadelphia.

One, of the 30 December, [1776,] from General Schuyler at Albany.

One, of the 21st of the same month, from R[ichard] Varick, with returns of the garrisons at and near Ticonderoga.

One, of the 28 December, from the convention of New York, with sundry papers enclosed.

One, of the 6th ||instant,|| from the council of safety of Pensylvania.

One, of the 1 from J. Trumbull, junior.

One of the 23 of December, from Governor Trumbull, were laid before Congress, and read:[1]

Ordered, That the letter from General Schuyler be referred to the Committee on the northern army:

That the letter from the council of safety of Pensylvania, be referred to the Cannon Committee:

That the letter from J. Trumbull, jun. be referred to the Board of Treasury: and

That the rest be referred to the Board of War.

Resolved, That 40 blankets be delivered by the Secret Committee to Lieutenant Alexander Spotswood Dandridge, of Captain Lewellin Jones's ~~of the fourth~~ troop of Virginia horse, for the use of the said troop.

[1] The letter of Washington is in the *Papers of the Continental Congress*, No. 152, III, folio 437. It is printed in the *Writings of Washington* (Ford), V, 146. That of the Philadelphia Committee is in No. 137, *Appendix*, folios 73–77; that of Schuyler, in No. 153, II, folio 513; that of Varick, in No. 78, XXIII, folio 27; that of Governor Trumbull, in No. 66, I, folio 243; that of the New York Convention, in No. 67, I, folio 402.

Resolved, That 100 dollars be paid to Walter Cruise, and 100 dollars to Richard Carpenter, who have been long detained prisoners by the enemy, and cruelly treated by them; and that they be recommended to General Washington to be employed in the service of the United States, in such way as he shall think proper.

Resolved, That the committee of Congress at Philadelphia, be empowered to purchase the prize sloop of war, taken by the *Andrew Doria*, with her guns, apparel and furniture, and fit her out as a continental cruiser.

Resolved, That a member be added to the Board of War.

The member chosen, Mr. S[amuel] Adams.

Ordered, That a copy of the resolutions, lately passed respecting the northern army, be made out, and delivered to General Gates, to be by him carried to General Schuyler.

Congress resolved itself into a committee of the whole, to take into consideration the state of the treasury, and the means of supporting the credit of the continental currency; and, after some time spent thereon, the president resumed the chair, and Mr. [Thomas] Nelson reported, that the committee have had under consideration the matter to them referred, and have made farther progress, but not having come to conclusion, desired leave to sit again.

Resolved, That the Board of War be directed to send the prisoners, who are at the guard house, to Leesburg, in Virginia, and there to be delivered to the committee of that town, who are desired to have them securely confined till farther orders.

Resolved, That the committee lately appointed to hear appeals, be empowered to take the deposition of ———

Coffin, who is obliged to go to sea this evening, there being no magistrate in this town to take his deposition.

Resolved, That Congress will, to morrow, resolve itself into a committee of the whole, to take into consideration, the state of the treasury, and the means of supporting the credit of the continental currency.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

TUESDAY, JANUARY 14, 1777

Resolved, That William Young and George Patterson be appointed signers of the ~~paper money~~ bills of credit in addition to those already appointed.

The committee to whom the letter from General Schuyler was referred, brought in a report, which was taken into consideration; Whereupon,

Resolved, That Messrs. [Robert] Morris, [George] Clymer, and [George] Walton, be directed, with all possible despatch, to procure, in the state of Pensylvania, or New Jersey, and send to Albany, three tons of steel and five tons of nail rods, for the use of the army in the northern department:

That Congress approve of General Schuyler's design of building five or six flat bottomed boats, of considerable force, for the guard of lake George, so contrived as to carry flour, and other provision, as occasion may require:

That General Schuyler, or the commanding officer of the northern army, give such instructions to the regimental pay masters as he shall judge necessary, and transmit a copy thereof to Congress.

That the Medical Committee provide a suitable assortment of medicines, and send them to the hospital in the northern army, with all possible despatch, together with other necessaries for the sick; and that the list mentioned by Dr. Stringer, in a paper, No. 1, enclosed in General Schuyler's letter, be committed to them:

That Dr. Potts be directed to repair to Ticonderoga without delay:

That Dr. Stringer be directed to deliver to Dr. Potts, such medicines, and other medical stores, as may be in his hands belonging to the Continent.

Resolved, That the ~~several troops of~~ light horse from Virginia be taken into continental pay, and put upon the continental establishment; that their pay commence from the 25 of November last; and that the state of Virginia be reimbursed for the horses and ~~caparisons~~ furniture of the said troops:

That 266 2/3 dollars be advanced to Major Theodorick Bland, Esq. major of the squadron of light horse from Virginia, for the use of the said squadron, he to be accountable:

That 1,000 dollars be advanced to Gerard Hopkins, son of Richard, quarter master, for the public service; he to be accountable.

Agreeably to the order of the day, Congress proceeded to the election of an ~~Indian~~ agent for the Indians, in Nova Scotia, and the tribes to the northward and eastward thereof; and, the ballots being taken,

John Allen, was elected.

Resolved, That a committee of three be appointed to prepare instructions for said Mr. Allen:

The members chosen, Mr. S[amuel] Adams, Mr. [Oliver] Wolcott, and Mr. [Matthew] Thornton.

Congress resolved itself into a committee of the whole, to take into farther consideration the state of the treas-

ury, and the means of supporting the credit of the continental currency; and, after some time spent thereon, the president resumed the chair, and Mr. [Thomas] Nelson reported, that they have had under consideration the matters to them referred, and had come to sundry resolutions, which he was ordered to report when the house was ready to receive it:

Ordered, That it be received.

The report from the committee of the whole being read, ~~was taken into consideration, Whereupon,~~ was agreed to as follows, viz.

Whereas the continental money ought to be supported, at the full value expressed in the respective bills, by the inhabitants of these States, for whose benefit they were issued, and who stand bound to redeem the same, according to the like value; and the pernicious artifices of the enemies of American liberty to impair the credit of the said bills, by raising the nominal value of gold and silver, or any other species of money whatsoever, ought to be guarded against and prevented:

Resolved, That all bills of credit, emitted by authority of Congress, ought to pass current in all payments, trade, and dealings, in these States, and be deemed in value equal to the same nominal sum in Spanish milled dollars; and that whosoever shall offer, ask, or receive more in the said bills for any gold or silver coins, bullion, or any other species of money whatsoever, than the nominal sum or amount thereof in Spanish milled dollars, or more, in the said bills, for any lands, houses, goods, or commodities whatsoever, than the same could be purchased at of the same person or persons in gold, or silver, or any other species of money whatsoever; or shall offer to sell any goods or commodities for gold or silver coins, or any other species of money whatsoever, and refuse to sell the same

for the said continental bills; every such person ought to be deemed an enemy to the liberties of these united States, and to forfeit the value of the money so exchanged, or house, land, or commodity so sold or offered to sale. And it is recommended to the legislatures of the respective States, to enact laws inflicting such forfeitures and other penalties on offenders as aforesaid, as will prevent such pernicious practices:

That it be recommended to the legislatures of the united States, to pass laws to make the bills of credit, issued by the Congress, a lawful tender, in payment of public and private debts; and a refusal thereof an extinguishment of such debts: that debts payable in sterling money be discharged with continental dollars, at the rate of 4/6 sterling per dollar; and that in discharge of all other debts and contracts, continental dollars pass at the rate fixed by the respective States for the value of Spanish milled dollars:

Resolved, That it be recommended to the legislatures of the several united States to pass resolutions that they will make provision for drawing in and sinking their respective quotas of the bills emitted by Congress at the several periods fixed, or that shall be fixed by Congress:

That it be recommended to the legislatures of the several States, to raise, by taxation, in the course of the current year, and remit to the treasury, such sums of money as they shall think will be most proper in the present situation of the inhabitants; which sums shall be carried to their credit, and accounted for in the settlement of their proportion of the public expences and debts, for which the united States are jointly bound:

That an additional sum of two millions of dollars be borrowed at the loan offices, on certificates of 200 dollars each:

That the commissioners of the loan office be directed to receive the bills of credit heretofore emitted by the States in which they respectively hold their offices, for such sums as ~~they~~ shall be ordered by the commissioners of the treasury, or continental treasurer, from time to time, ~~to pay~~ for continental purposes, within such States respectively.[1]

Congress being informed that a number of Hessian officers, prisoners, are on their way to this town,

Resolved, That the Board of War be directed to send the said prisoners to Dumfries, in Virginia, with a request to the committee of the said town, to see them ~~properly~~ suitably provided for, agreeable to the provision made for prisoners.

Resolved, That two months' pay be advanced to Mon^s^ St. Pierre Auguste de St. Aubin, adjutant of the squadron of the Virginia light horse; he to be accountable.[2]

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, JANUARY 15, 1777

Resolved, That Messrs. Purviance be requested immediately to remove all the powder belonging to the Continent from the ware-house in this town, to a convenient house at some distance therefrom, in proper waggons and carts, taking care that the tight barrels alone be removed, and that careful persons be employed to make 30 gallon

[1] A letter from the Treasury Board, dated January 30, 1777, inclosing this paragraph to the States, is in the *Pennsylvania Archives*, First Series, V, 183.

[2] A letter of Washington, dated Morristown, January 7, 1777, was read this day. It is in the *Papers of the Continental Congress*, No. 152, III, folio 445. It is printed in *Writings of Washington* (Ford), V, 154. Also a letter of the 10th, from the Philadelphia Committee, is in No. 137, *Appendix*, folio 81.

casks, sufficient to contain all the powder that may be in shattered or open casks:

That Captain Smith be desired to furnish a guard, on the powder, of the most trusty and orderly soldiers.

The committee appointed to prepare instructions to Mr. J. Allen, Indian agent for the eastern department, brought in a draught, which was read; and, being amended, was agreed to as follows:

Sir, Having been informed of your knowledge of, and acquaintance with, the tribes of Indians, inhabitants of St. John's and Nova Scotia, and, confiding in your zealous attachment to the interest of the united States, this Congress have made choice of you to be their agent, impowering you, in their behalf, to treat with those Indians, and as far as you shall be able, to engage their friendship, and prevent their taking a part on the side of Great Britain, in the unjust and cruel war against these united States:

You will explain to them, as clearly as their understanding of the nature and principles of civil government will admit of it, the grounds of the disputes between Great Britain and America, the pains that we have taken to settle those disputes on the rules of equity, and the necessity we were finally driven to, in defence of our liberty and lives, to resist our oppressors unto blood. Thus, by convincing them of the justice of our cause, you may attach them to our interests, and lay a solid foundation for lasting peace and friendship with us:

You will also inform them of the union that subsists among the people of these States, and the strength derived therefrom, to each of them: that viewing us in this light, they may see their own safety depending upon their peaceable disposition and behaviour towards us:

You are to cultivate trade with them; by which means, many great advantages which have heretofore from thence accrued to the subjects of Great Britain, will be gained by the people of these States:

And you are, in a particular manner, instructed to use your utmost diligence and influence to promote an intercourse and correspondence between those tribes and the Indians living in and about Canada; by the effecting of which, the most useful and necessary intelligence may be frequently obtained; and you are to give the earliest notice to Congress, and to General Washington, and the commanding officer at Ticonderoga, of such intelligence as you may receive:

You will, as often as you shall be required, exhibit to Congress a fair account of the expenditure of such monies as you may be intrusted with, for the purpose of your agency; together with a general state of affairs within your department, that Congress may avail themselves of it for the public good.

Resolved, That the sum of 900 dollars be annually allowed and paid to John Allen, Esq. during his continuance as agent of this Congress, to the Indians of St. John's and Nova Scotia:

That 1,000 dollars be advanced to John Allen, Esq. to enable him to carry on the affairs of his agency among the Indians of St. John's and Nova Scotia; he to be accountable for the same.

Resolved, That the sum of 533 1/3 dollars be advanced to the Board of War, for defraying the expences of sending the Hessian prisoners to Dumfries, and the prisoners in the guard house in Baltimore, to Leesburg, in Virginia, agreeable to the orders of Congress; the said Board to be accountable for the expenditure.

Resolved, That the sum of 55,000 dollars be advanced to the delegates of Georgia, for the use of the troops raised by that State; the said State to be accountable.

Resolved, That the Secret Committee be directed to supply Captain Yates's company with blankets; and that one month's pay be advanced to Captain Yates for his company; he to be accountable.

Resolved, That 2,000 dollars be advanced to General Smallwood, for the purpose of defraying the arrears due to the men of his late batallion; he to be accountable.

Resolved, That to morrow be assigned for appointing a pay master in Baltimore.

Congress then resolved itself into a committee of the whole, to take into consideration the state of the treasury, and the means of supporting the credit of the continental currency; and, after some time, the president

resumed the chair, and Mr. [Benjamin] Harrison reported, that the committee have come into a resolution on the subject to them referred, which he was ordered to report:

The report being read, was agreed to as follows:

Resolved, That the continental treasurer be empowered and directed to borrow money on the loan office certificates; that the same be countersigned by the auditor general for the time being, and that in transacting this business, he govern himself by the rules prescribed to the commissioners of the other loan offices; and have, for his trouble, the same allowance.

Resolved, That this Congress will, to morrow, resolve itself into a committee of the whole, to take into consideration the state of the treasury, and the means of supporting the credit of the continental currency.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

THURSDAY, JANUARY 16, 1777

Resolved, That Mr. [William] Paca[1] be added to the committee last appointed to hear appeals.

Resolved, That a warrant for 100,000 dollars, in favour of James Mease, for public service, be drawn and sent to the treasurer; that sum having been advanced by the treasurer on the 11 December last, to the said Mease, by order of Mr. [Thomas] Nelson:

That a warrant for 26 2/3 dollars be drawn in favour of John Norman, for a rolling press; that sum having, on the same day abovementioned, been advanced by a like order:

[1] The "corrected Journal" gives Paine.

That a warrant for 10,000 dollars be drawn in favour of Carpenter Wharton, for public service; that sum having been paid by the treasurer on the said 11 December to James White, assistant deputy commissary, by order of Mr. President, issued in pursuance of a letter from said Carpenter Wharton.

Resolved, That 365 dollars be paid to George Ross, Esq. and charged to the account of Colonel M. Hazen; the same being in full of an order in his favour, by [Lieutenant Colonel] Edward Antil, for the recruiting service of Colonel Hazen's regiment, dated January 6th, 1777.

The Board of War brought in a report, which was taken into consideration, Wherenpon,

Resolved, That General Washington be directed to propose to General Howe, that a commissary be appointed on behalf of the united States, to furnish the American prisoners of war, captivated by the British army, with such necessaries as they may want; and if such commissary be allowed to reside among the prisoners, that General Washington appoint a suitable person for the purpose, until an exchange can be effected:

That the continental agents, in the middle and eastern departments, be directed to furnish the commissary of cloathing with an account of what clothes or materials for making cloaths they have in their custody, and that they send forward such cloathing, to the order of the said commissary of cloathing, to be distributed, agreeable to the directions of General Washington, among the troops in the several departments, in such proportions as he shall think proper: and that the General be requested, particularly, to attend to the wants of the State of New York, which, from its peculiar situation, is precluded from the means of procuring cloathing and necessaries for the troops raised there:

That a copy of the letter from the convention of New York, dated at Fish Kill, 28 December last, be sent to General Washington; and that he be empowered to take such order in the several matters therein contained, as he shall think best; and that a letter be written to the said convention, informing them of what Congress has done in compliance with their several requests:

That it would much contribute to the Defence of Hudson's River, if the Frigates built on the same were fitted with Guns and other Necessaries, which would enable them to repulse any Ship or Vessel that might pass the Batteries erected on, and Obstructions which may be made in, the said River.

That so much of the letter from the convention of New York, as relates to the defence of Hudson's river, by means of the frigates or otherwise, be referred to the Marine Committee:

That the convention of New York be informed that Congress highly approve of their spirited exertions for the defence of their own, and the state of New Jersey, against the desolation and ravages of our cruel and remorseless enemy; and that Congress have received the address of the said convention to the people of that State, containing sentiments highly and generally interesting to the inhabitants of these States, to whose serious perusal and attention it is earnestly recommended; and that the same be translated into the German language, and printed at the expence of the continent:[1]

That Mr. [Francis] Lewis be directed to have the said address translated and printed.

Resolved, That a committee of seven be appointed to enquire into the conduct of the British and Hessian gen-

[1] The original of this address is in the *Papers of the Continental Congress*, No. 67, I, folio 372. The report of the Board of War, in the writing of Richard Peters, is in No. 147, 1, folio 15.

erals and officers towards the officers, soldiers and mariners in the service of the United States, and any other persons, inhabitants of these States, in their possession, as prisoners of war, or otherwise, and also into the conduct of the said generals and officers, and the troops under their command, towards the subjects of these States and their property, more especially of the States of New York and New Jersey.

The members chosen, Mr. [Samuel] Chase, Mr. [John] Witherspoon, Mr. [Abraham] Clark, Mr. [Francis] Lewis, Mr. [George] Ross, Mr. [Thomas] Heyward, and Mr. [William] Smith.

The committee of treasury reported, that there is due to Abraham Simons, for the hire of Ludwick Neal's wagon, in the service of the Virginia light horse, the sum of £15, Virginia money, equal to 50 dollars:

To John Blackburn, for the hire of Thomas Allen's waggon, in the service of the Virginia light horse, the sum of 47 82½/90 dollars:[1]

Ordered, That the same be paid.

Resolved, That the appointment of a pay master in Baltimore be postponed till Saturday next.

Ordered, That the oath of fidelity be published.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

FRIDAY, JANUARY 17, 1777

A letter, of the 10, from Brigadier General Lewis; and one, of the 12, from W. Aylett, deputy commissary general, in Virginia, were read:[2]

[1] This report is in the *Papers of the Continental Congress*, No. 136, I, folio 15.

[2] The letter of Lewis is in the *Papers of the Continental Congress*, No. 159, folio 272; that of Aylett in No. 78, I, folio 48.

Ordered, That the letter from the deputy commissary general be referred to the Board of War, and that Mr. President return an answer to General Lewis, and inform him that Congress desire him to continue in Virginia, and that he has liberty to visit his family, provided the public service will admit.

A letter, with a number of papers, from Dr. Morgan, were laid before Congress, and referred to the Medical Committee.

Resolved, That 300,000 dollars be sent to the pay master general for the use of the army:

That 40 dollars be paid to Mon^s. Guillaume de Luce, to defray his expences to General Washington.

Resolved, That two members be added to the Committee of Intelligence; and that they be directed to publish an authenticated extract of the last letter from General Washington:

The members chosen, Mr. [Thomas] Heyward, and Mr. [Jonathan Dickinson] Sergeant.

Congress being informed that six companies of Maryland militia, under the command of Colonel Murdock, consisting in the whole of 101 privates, without arms, and 53 commissioned and non-commissioned officers, were in this town waiting the orders of Congress,

Resolved, That Congress approve of the alacrity and spirit of the said militia; but, considering that such a great disproportion of officers and men is utterly inconsistent with military order and arrangement, and that encouraging such an example, might involve these United States in great expence, and not having a sufficient number of arms at present to equip them, and the troops to be raised on the new establishment, order, that the said companies be discharged and paid, and that 1,000 dollars be lodged with Mr. Jonathan Hudson, for the purpose of

paying these troops, and the two companies of the said batallion which are expected in town.

Sundry resolutions, respecting laying up magazines of provisions, being moved and seconded,

Ordered, That they be referred to a committee of three:

The members ||chosen,|| Mr. [Roger] Sherman, Mr. [Samuel] Chase, and Mr. [Elbridge] Gerry.

Ordered, That the Secret Committee lay before Congress, a list of the articles which they have ordered in consequence of the directions of Congress, distinguishing how much is arrived and what is expected.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

SATURDAY, JANUARY 18, 1777

General Gates, to whom the sentence of the court martial, held at Crown Point in July last, against Colonel Campbell, was referred, having reported, that he has considered the same, and ~~has thought proper to reverse the same~~ "was of opinion, that Colonel Donald Campbell, deputy quarter master general in the northern department, does not deserve to be cashiered for the crime adduced against him in the general court martial referred to."

Ordered, That ~~General Gates' acquittal of Colonel Campbell~~ a copy of the above be sent to General Washington:

That ~~a Committee of three be~~ the memorial formerly received from Colonel Campbell, with the papers enclosed, be referred to a Committee of three:[1]

The members chosen, Mr. [George] Ross, Mr. [William] Whipple, and Mr. [Samuel] Adams.

[1] This memorial is in the *Papers of the Continental Congress*, No. 41, II, folio 364.

Resolved, That 6,000 dollars be advanced to Colonel Mackay, for the purpose of paying the non-commissioned officers and privates of his batallion 10 dollars bounty, in addition to the 10 dollars advanced them on their first inlistment, provided they will re-inlist to serve for three years, or during the war, agreeable to former resolutions of Congress; Colonel Mackay to be accountable.

The Board of War brought in a report, which was taken into consideration: Whereupon,

Resolved, That 100,000 dollars be sent to Governor Trumbull, for the purpose of recruiting the continental army, in the state of Connecticut:

That William Aylett, Esq. deputy commissary general in Virginia, be directed to secure, and safely keep, for continental use, all provisions, agreed to be furnished by the contractors in that State, agreeable to their several contracts: and that it be left to the governor and council of that State, to settle what compensation shall be given to the contractors, by the ration, for their trouble and expence in purchasing the said provisions.

Resolved, That Congress approve of the proceedings of their committee at Philadelphia, in supplying the recruiting officers, appointed by the State of New Jersey, with money; and also of their exertions in furnishing the pay master general, and Mr. Huntington, with what cash they could procure, to answer their immediate demands:

Rejected.

That Congress direct their Committee at Philadelphia to enquire into the State of the Continental Stable there, and to sell or otherwise dispose of the Continental Horses and oxen therein in the whole or in Part as to them shall seem expedient.[1]

That one independant company, consisting of a captain, two lieutenants, one ensign, four serjeants, four corpo-

[1] This report, in the writing of Richard Peters, is in the *Papers of the Continental Congress*, No. 147, 1, folio 17.

rals, one drum, and one fife, and seventy six rank and file, be forthwith raised in the continental service, for three years or during the war, and stationed in the borough of Lancaster as a guard over the prisoners of war. and public stores in that place, until they shall be ordered elsewhere:

That the officer commanding the said company afford to the committee of Lancaster, all necessary assistance to carry into execution the resolves of Congress:

That particular attention be paid to the inlisting sober and discreet men into the said company:

That the committee of Congress in Philadelphia, be desired to inform the quarter master general, what number of horses and oxen, in the public stables at Philadelphia, are fit for service:

That they employ a careful person to distribute in the country such of them as are disabled; there to be recruited in the cheapest manner:

That the keepers of the continental stables admit no horses or teams to be received into, or taken out of the same, unless by order of a general officer commanding in the place where the stables are respectively kept; or of the quarter-master or deputy quarter masters general, or waggon master, or deputy waggon masters general.

The Board of War, to whom the case of Major Painter was referred, reported, that, upon enquiry into the matter of the uneasiness of some of the captains in Colonel Seth Warner's regiment, at the appointment of Elisha Painter to be major of the said regiment, it appears to have proceeded from an opinion of their prior rank to him as captains, previous to said appointment, and that his continuance in the said regiment will probably obstruct the filling up the same, and be prejudicial to the service; Whereupon,

Resolved, That the said Elisha Painter be removed from any command in the said regiment, and referred to General Washington for an appointment to such an office, as he shall judge him qualified to fill.

Ordered, That an authenticated copy of the Declaration of Independency, with the names of the members of Congress subscribing the same, be sent to each of the United States, and that they be desired to have the same put upon record.

Agreeable to order, Congress proceeded to the election of a pay master in Baltimore; and, the ballots being taken,

Jonathan Hudson was elected.

Resolved, That the salary affixed for the assistant clerk of the ~~Treasury~~ Board of War, ~~at Philadn.~~ be continued to Mr. Nourse, and that an additional sum be allowed him at the rate of 266 2/3 dollars per annum on account of his extraordinary expences.

The Committee of Treasury reported, that there is due,

To George Ross, Esq. for the expences of himself, Dr. [John] Witherspoon, and Mr. [William] Paca, a committee of Congress, sent to New Jersey; and for cash he paid to Mr. ||Jacob|| Hier, for keeping an express horse at Princetown, 8960/90 dollars:

To Robert Moore, for 13 walnut and 6 mahogany chairs, a desk and table, for the use of Congress, and the president's office, [£34.17.6] 93 dollars:

To Dr. J[ohn] Witherspoon, for wood supplied the troops at Princetown; for the expences of sick soldiers; and the allowance due to John M'Kinzie, a prisoner from North Carolina, from the 18th October to the 10th January, inclusive, being 12 weeks, 105 78/90 dollars:[1]

Ordered, That the said accounts be paid.

[1] This report is in the *Papers of the Continental Congress*, No. 132, I, folio 17.

Ordered, That the resolution appointing a committee of seven to enquire into the conduct of the British and Hessian officers, with regard to the treatment by them shewn to the prisoners in their possession, be published, with the names of the committee.[1]

~~A petition from Captain James Camphel was read, praying for leave~~

Resolved, That a store keeper be appointed to take the charge and care of the continental stores in Maryland:

That Monday ||next|| be assigned for electing him.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock on Monday.

MONDAY, JANUARY 20, 1777

A letter, of the 12, from General Washington.

One, of the 16, from the committee of Congress at Philadelphia, with copies of sundry letters enclosed.

One, of the 27 December last, from the hono^ble Meshech Weare, president, in behalf of the council and assembly of New Hampshire.

One, of the 7, from General Schuyler, at Albany.

One, of the 2^d, from Colonel A. Wayne, at Ticonderoga, were read:[2]

Ordered, That the letters from General Schuyler and Colonel Wayne be referred to the Board of War:

That the letter from Meshech Weare, be referred to the Committee of Treasury.

[1] It appeared in the *Pennsylvania Packet*, 11 February, 1777.

[2] Letters of Washington of the 9th and 12th are in the *Papers of the Continental Congress*, No. 152, III, folios 449 and 453. They are printed in *Writings of Washington* (Ford), v, 160, 164. That of Weare is in No. 64, folio 21. That of the Philadelphia committee is in No. 137, *Appendix*, folio 89. That of Schuyler is in No. 153, III, folio 27.

A letter, of the 15, from Brigadier General Armstrong, and J. Wilson, was read, and referred to the Board of War.

Nathaniel Gist, being appointed by General Washington a colonel of a corps of rangers, and recommended by him to Congress for money to pay the bounty,

Resolved, That 3,000 dollars be advanced to Colonel Gist, towards paying the bounty of his corps; he to be accountable:

That a farther sum of 250 dollars be advanced to Colonel N. Gist, to defray the expences of his journey to the Cherokee country, agreeable to orders received from the General; for which Colonel Gist is to be accountable.

The Board of Treasury, to whom the letter from Mr Weare was referred, brought in a report, which was taken into consideration: Whereupon,

Resolved, That 100,000 dollars be advanced to the State of New Hampshire, for the public service; the said State to be accountable.[1]

A motion being made, and seconded, for ordering barracks to be built,

Ordered, That it be referred to the Board of War.

~~Resolved, That the pay of the deputy pay master general be raised to 75 dollars per month.~~

Ordered, That the Board of War take into consideration the pay of the staff, and report thereon to Congress.

Ordered, That ~~a copy~~ an extract of the letter from the committee of Congress, at Philadelphia, respecting an expedition to the northward, be sent and referred to General Schuyler.

A letter, of the 14 January, from the committee of Congress at Philadelphia.

[1] This report, endorsed on the back of the letter of President Weare, is in the writing of Elbridge Gerry.

One, of the 9th, from General Washington, at Morris Town.

One, of the 3d, from General Schuyler, with a memorial from Bernard Moissac De la Marquisie, were read:[1]

Resolved, That 400 dollars be advanced to John Griffith, for the use of sick in the hospital in Baltimore; he to be accountable.

Resolved, That a committee of three be appointed to examine the file of reports, and lay before Congress, a list of the business unfinished, and which ought to be taken up:

The members ||chosen|| [Elbridge] ~~Gerry,~~ Mr. [William] Ellery, Mr. [George] Ross, and Mr. [John] Hall.

That 750 dollars be advanced to the delegates of North Carolina, for the use of that State, which is to be accountable.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

TUESDAY, JANUARY 21, 1777

A letter, of the 18, from R[ichard] Bache, post master general, was ||received and|| read.[2]

The Board of War brought in a report, which was taken into consideration: Whereupon,

Resolved, That Colonel Grayson, and Lieutenant Colonel Innes, of Colonel Mason's regiment, to be raised in the State of Virginia, be immediately furnished with cloth

[1] The letter of the Philadelphia committee is in the *Papers of the Continental Congress*, No. 137, *Appendix*, folio 85. That of Schuyler is in No. 153, III, folio 1, and with it is the memorial of La Marquisie.

[2] This letter is in the *Papers of the Continental Congress*, No. 61, folio 1.

for 200 suits of cloaths, in order to expedite the raising of those regiments:

That the part of the 8th Virginia regiment, now in South Carolina, be ordered back, and that Colonel Muhlenburgh be directed to recruit those companies, as well as such as are now in Virginia, to their full complement of men, and to march the companies, as fast as compleat, to join General Washington:

That Major Richard Campbell, who was appointed by General Lee, in South Carolina, to act as major to Colonel Muhlenburgh's regiment, until the pleasure of Congress should be known, be appointed to said majority, his commission to bear date the 10 of August last, the time he was appointed in general orders:

That 300 dollars be advanced to Major [Richard] Campbell, to enable him to discharge waggons, and furnish the troops he has now with him on the way to camp, with shoes, and other necessaries as they may want; the said Major Campbell to be accountable for the expenditure:

Resolved, That 10,000 dollars be paid to Colonel William Grayson, for the purpose of recruiting his regiment, and that the same be charged to the account of William Palfrey, this being in full of a warrant drawn by General Washington, in his favour, on William Palfrey, dated, Morristown, 11 January, 1777.

Application having been made to Congress by the friends of Major West, of the 3d Pensylvania batallion, now a prisoner with the enemy, for an exchange of him for Mr. [James] Jauncey, Jun. and that if the exchange takes place, Mrs. Jauncey be permitted to accompany her husband; and it appearing on consideration of this application, that the said Mr. Jauncey, Jun. was removed to the State of Connecticut, from New York, by direction of the convention of the said State of New York;

Resolved, That the said application be referred to the convention of New York, that they may do therein what shall be proper.

Ordered, That a letter be written to the council of safety of Maryland, earnestly recommending to them, to appoint subaltern officers for the several companies raising by their order in their State, that the recruiting service may be expedited, and the men, when raised, properly trained.

Resolved, That ~~Caleb Dorsey and~~ Richard Stringer be appointed signer of the continental bills of credit, in addition to those already appointed.

Resolved, That Angus M'Donald, one of the North Carolina prisoners, be admitted to his parole, upon taking an oath, after the mode observed in that part of Great Britain, called Scotland, in administering oaths, that he will observe the same:

That Mr. [Arthur] Middleton be impowered to take his parole, and administer the oath.

On application of Colonel Magruder for the directions of Congress,

Resolved, That the two companies of his batallion, which have already marched, be directed to join the army under General Washington, and that any other companies of his batallion, ||consisting|| of not less than 36 privates, under the command of two commissioned officers, be also marched, as soon as possible, and that a field officer take the command of every four companies.

Resolved, That it be recommended to the council of safety of Maryland, to request the militia of Harford, Baltimore, Cecil, and such other counties of their state as they shall think proper, to march, as soon as possible, to reinforce General Washington, giving directions that each company consist of not less than 36 privates, under the

command of two commissioned officers, and that a field officer take the command of every four companies.

The Committee of Treasury reported, that they have had under consideration, the requisition of Captain William Blackwell, for a sum of money to be advanced him, for the bounty and subsistance of his company in a Virginia regiment, under the command of Colonel Rawlins, and that there should be advanced to the said Colonel Rawlins, he to be accountable, the sum of 1,477 85/90 dollars, and that the same be delivered to the said Captain Blackwell for the purposes aforesaid:[1]

Ordered, That the said sum be advanced.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, JANUARY 22, 1777

A letter, of the 17, from the committee of Congress at Philadelphia, was read:[2]

Resolved, That 200,000 dollars be sent to the committee of Congress, in Philadelphia, for public service.

A letter, of the 13th [14], from General Washington, enclosing copies of letters to Lord and General Howe;

One, of the 17, from the council of safety of Pensylvania, with sundry papers enclosed, were laid before Congress, and read:[3]

Ordered, That the same, and also the letter from the committee of Congress, at Philadelphia, be referred to a committee of three.

[1] This report is in the *Papers of the Continental Congress*, No. 136, I, folio 19.

[2] This letter is in the *Papers of the Continental Congress*, No. 137, *Appendix*, folio 97.

[3] The letter of Washington is in the *Papers of the Continental Congress*, No. 152, III, folio 461. The enclosures from the Council of Safety are in No. 69, I, folio 323.

The members ||chosen|| Mr. [Oliver] Wolcott, Mr. S[amuel] Adams, and Mr. [Elbridge] Gerry.

The Board of War brought in a report, which was taken into consideration; Whereupon,

Resolved, That a company be immediately raised on the new establishment in the State of Pensylvania, to be stationed at and near Kittanning, to guard the public buildings and stores, and to protect the frontier inhabitants from the incursions of the Indians:

That Samuel Morehead be appointed captain; Andrew Macfarlane, first lieutenant; William Jack, second lieutenant; and, John Carnaghan, ensign; to the said company.

That 1,400 dollars be advanced to Mr. Morehead, to enable him to recruit the said company; he to be accountable for the same;

It appearing to this Board, that a Public armourer is greatly wanted to prevent the Abuses that are daily practiced by Gunsmiths and others, employed to repair the public Arms, and that such a person would not only prevent such abuses for the future, but likewise be a great saving to the Continent:

The Board, therefore are of opinion, that be appointed Public Armourer, and that he immediately repair to the City of Philadelphia, to superintend the said business; And, that he be allowed Dollars per day for his pay and Expences.[1]

That Thomas Butler be appointed public armourer, and that he immediately repair to the city of Philadelphia, to superintend the said business, agreeable to the resolve of 19 November:

That he be allowed 3 dollars a day for his pay and expences.

Resolved, That the allowance for subsistence of recruits while in quarters, till they can join their respective regiments, and be supplied with rations, be raised to $1\frac{1}{3}$ dollar per week.

[1] This report is in the *Papers of the Continental Congress*, No. 147, I, folio 31.

A petition from Bartholomew Burke and Hamilton Ballantine was presented to Congress, and read:

Ordered, That it be referred to the Board of War.

The committee on impressing carriages, brought in a report, which was taken into consideration; and, after debate,

Ordered, That it be re-committed.

Whereas the Congress formerly resolved[1] that it should be recommended (here take in the former Resolve) It is now further *Resolved*, That not only all officers in the Quarter masters Department: but all others in the service of the public be strictly prohibited from impressing horses teams or carriages; but upon the most urgent necessity, and then only in aid of a Constable or other civil officer, or some person deputed by a warrant from some magistrate, and where there are no Magistrates, from a Chairman or Members of a Committee of the County where the same are wanted, or by such other authority and in such manner as the laws of each respective state shall direct, ~~or in case of refusal of the Magistrate or chairman or Member of the Committee or other person legally authorized thereto in such State to grant such Warrant and have the same executed when desired~~ and for want of such provision by Law in any of the States, the commanding Officer where such necessity shall happen may grant to his Officers in the army warrants for that purpose, which such Officers may execute. In all which Cases no more Teams and Carriages shall be impressed or employed in the service than ten Carriages, carrying one ton each, or other carriages sufficient for carrying so much, for transporting the baggage of one whole and complete Regiment, and so in proportion for a greater or lesser number of Forces on their march; and also Carriages sufficient for removing military Stores and to carry the Sick, in all which carriages none but sick shall be suffered to ride; and these Carriages employed as above shall not be overburthened with loads, or Soldiers on their march suffered to ride thereon except the sick as above mentioned.

And for preventing disputes about the Price of Carriages, *Resolved*, That for every hundred weight carried twenty miles there be paid one fifth of a dollar, and ~~one seventh and half a seventh~~ twelve ninetieths of a dollar per mile returning home from the place where discharged.

[1] See under October 10, 1776.

And in case any Carriage be detained by Troops, and prevented travelling twenty miles per day, there shall be paid four dollars per day, provided such carriage carry one ton, and so in proportion for the weight carried; provided also the Owners of such Teams and Carriages shall at their own expense procure their Provisions and forage for the Driver and horses. And in case the same shall be furnished at the Publick expense the value thereof shall be deducted out of their pay, and no team impressed shall be compelled to go ~~out of the State to which the same belongs, nor~~ *more than four days journey from home.*

And in order that Carriages may be impressed where necessity requires it with as little damage to the Public as possible, It is recommended to all Magistrates or persons authorized to grant Warrants for that purpose, when it can possibly be done to send into the Country for what may be wanted, and take the same at the Owners home, so as by all means to avoid impressing such as may be found on the road carrying supplies of Provisions or other Articles of Trade or Commerce either to the Army or to Towns for the benefit of the Inhabitants or returning from the same.

And it is hereby strictly enjoined, that all those who shall hire waggons or carts for the public service, or at whose request the same are furnished, by Warrant or otherwise, shall punctually pay the owners thereof the above-mentioned rates where the same are discharged. And if any officer of the Army shall by his own Authority presume to impress horses teams or Carriages contrary to the directions above given, *or otherwise transgress the foregoing orders or any part thereof;* every officer so Offending upon due proof thereof by the Oath or Affirmation of two Credible Witnesses, before any two Magistrates of the County or Town wherein such Offence is committed shall be Cashiered, and upon a Certificate thereof, under the hands of the said Magistrates, together with the depositions of the Witnesses proving such Offence, being laid before the Commanding Officer of the Army in such Department such Offender shall thereupon be immediately dismissed from his office, *and pay double damage to the party injured, to be recovered in any Court of Record where the same is Cognizable, with Costs of Suit.*

And as it is of the utmost moment for the comfortable Supply of the Army and Inhabitants of different parts of the Country that intercourse and Commerce should be as free and unmolested as possible,

Dele

The Printers of the Several Newspapers in the different States are desired to publish these Resolves once every six Months during the war, to the end that all whom it concerns may take due Notice and govern themselves Accordingly.[1]

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

THURSDAY, JANUARY 23, 1777

The Marine Committee having recommended Captain Fulford to take the command of the armed brig *Lexington*,

Resolved, That he be ~~accepted~~ appointed to take the command of the said armed brig *Lexington*.

Resolved, That two frigates, one of 36, and the other of 28 guns, be immediately undertaken in the state of Connecticut.

Resolved, That 2,000 dollars be advanced to Mr. Jonathan Hudson, for public service; he to be accountable.

Resolved, That 41,640 dollars, be advanced to Colonel George Baylor, for the purpose of purchasing horses and paying the bounty of men for the regiment of cavalry he is ordered to raise, and that the same be paid to Major A. Clough, and charged to the account of Colonel Baylor, who is to be accountable.

The committee appointed to examine the files, &c. brought in a report, which was read:

The Committee appointed to examine the file of Reports &c. beg leave to report, that they have examined the same and selected therefrom such as in their Opinion require the Consideration of Congress which they have put into the Bundle marked A and digested in the following Order, to wit:

1. Report of the Committee appointed to devise Ways and Means for preventing the Evils apprehended from internal Enemies.

[1] This report, in the writing of Abraham Clark, is in the *Papers of the Continental Congress*, No. 21, folio 71.

2. Report on Harbours to be fortified.
3. Motion for obtaining an Account of the Militia.
4. Report of the Committee appointed to consider the Letter from T. Cushing Esq., concerning the Indian Missionaries.
5. Report on a Device for a public Seal.
6. Col. Read's Letter.
7. Report concerning Bernard & Wadding's Goods.
8. Report for stating the rate of Coins &c.[1]

Ordered, To lie on the table.

A letter, of the 30 of December, from the general assembly of Massachusetts Bay, with sundry papers enclosed, was read.[2]

Mr. Leonard Jarvis, whom Mr. ||John|| Bradford,|| agent for the United States in Massachusetts-Bay,|| has appointed an agent at Dartmouth, and who had the possession and charge of the continental stores imported in the *Hancock & Adams*, having, by a letter of the 13th of December, informed the Secret Committee, that at the recommendation of the general court of Massachusetts bay, he has delivered out part of the arms to the militia who were called to stop the progress of the British troops, the arms to be returned when called for: and, by a letter of the 14th of December, having farther informed the said committee, that in consequence of a vote of the general committee of the State of Rhode Island, and of a letter from Governor Cooke and Daniel Tillinghast, Esq. he has delivered to Mr. Fry, for the said Daniel Tillinghast, Esq. agent at Providence, six tons of lead, six casks of flints, 48 chests of arms, and 260 barrels of gun powder; thereupon,

Ordered, That the Secret Committee write to the agent Mr. Jarvis ||at Dartmouth,|| and inform him, they can, by

[1] This report, in the writing of William Ellery, is in the *Papers of the Continental Congress*, No. 23, folio 27.

[2] This letter is in the *Papers of the Continental Congress*, No. 65, 1, folio 155.

no means, authorize their agents to deliver stores in their custody, except by orders of Congress, or persons by them authorized; but, that extreme necessity for arms and stores existing in the opinion of the general committee of the State of Rhode Island, then invaded by a formidable army, may hold him excused for the arms and stores he delivered to that State, at their urgent request; and that he may also be excused for the delivery of arms to the militia of the State of Massachusetts bay, in consequence of the recommendation of the general court of that State; that, at the same time, they direct their agent to procure a return thereof as soon as circumstances will admit.

The Board of War, to whom a petition from Monsieur Pillesier was referred, brought in a report;[1] Whereupon,

Resolved, That the said petition be referred to his excellency General Washington.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

FRIDAY, JANUARY 24, 1777

A letter, of the 17th inst. from J[ohn] M'Kinley, speaker of the assembly of the State of Delaware, with sundry resolves of that assembly, was read:

Ordered, That the same be referred to the committee of Congress, at Philadelphia.

John Taylor, Esq. being appointed major in Colonel Hazen's regiment,[2]

Resolved, That a commission be granted to him, and that the same be dated the 13th November, 1776.

[1] This report is in the *Papers of the Continental Congress*, No. 147, I, folio 35. The name is there given as Pillier.

[2] A letter of Edward Antill recommending Taylor, dated Lancaster, January 20, 1777, is in the *Papers of the Continental Congress*, 42, I, folio 25.

Resolved, That 1,000 dollars be paid to Major John Taylor, for the purpose of raising recruits for the regiment whereof he is major, and that the same be charged to the account of Colonel Moses Hazen, this being in full of an order of Lieutenant Colonel Edward Antil, ||of col. Hazen's regiment,|| in favour of the said J[ohn] Taylor, dated 20 January, 1777.

The Congress resolved itself into a committee of the whole, to take into consideration the ~~means of supplying~~ state of the treasury, &c. and after some time ~~spent~~, the president resumed the chair, and Mr. [Thomas] Nelson reported, that the committee have had under consideration the matters to them referred, but have come to no resolution thereon:

There being no delegates attending from the state of Delaware, and but one from the state of New York, who, ||according to the instructions given by that state to their delegates,|| is not empowered to give the vote of that State,

Ordered, That Mr. President write to the States of New York and Delaware, requesting them immediately to send to Congress representations of their respective states, and to provide, that for the future, applications of this kind may be rendered unnecessary.

Whereas by a resolve of Congress of the 5th of November last, all accounts for services done, or articles supplied the armies of the United States in New York, New Jersey, and in the northern department, are to be presented to the commissioners of accounts for the respective armies; and so much thereof, as is approved by them, and confirmed by the respective generals, is ordered to be paid by his [their] warrants on the pay master, after the said commissioners have certified thereon, that the accounts and vouchers are returned to them by the

persons receiving such warrants; and, whereas, it may frequently happen, that the absence or engagements of the generals aforesaid, may occasion a delay in ordering the payment of such accounts, whereby individuals, having demands against the united States, may suffer inconveniences; it is, therefore,

Resolved, That the commander in chief in each department be empowered, when absence or hurry of business shall prevent his revising the accounts passed by the commissioners, to direct the pay master to discharge such accounts, upon certificates from the commissioners; observing to order the pay master, when circumstances will permit, to lay the accounts and certificates before him, for his approbation, and to return them to the commissioners to be filed in their office.

Resolved, That if General Schuyler and General Gates be ||both|| absent from the northern department at the ||same|| time that the pay master there shall receive this resolution, the said pay master be empowered and directed to discharge accounts upon the certificates of the commissioners, during such absence; and upon the return of either of the said officers, to lay the accounts and certificates before the same for his approbation.

The committee to whom was referred the letter from the council of safety of Pensylvania, with sundry papers therein enclosed, brought in a report, which was taken into consideration; Whereupon, Congress came to the following resolution:

Whereas Congress are informed that certain tribes of Indians, living in the back parts of the country, near the waters of the Susquehanna, who are within the confederacy, and under the protection of the Six Nations, the friends and allies of these united States, are, upon motives friendly and peaceable, now on their way to

Easton, in the state of Pensylvania; and whereas, such may be the poor and necessitous circumstances of these Indians, as to demand the attention of Congress; it is therefore,

Resolved, That the committee of Congress at Philadelphia, deliver to George Walton and George Taylor, Esqrs. or to either of them, 1,000 dollars; who are directed to purchase therewith, such presents as may be suitable for the said Indians: and that one or both of them forthwith repair to Easton, and, in the name of this Congress, inform the said Indians, that although, in the opinion of Congress, it is altogether improper for them to kindle a council fire at that place, as they have already done the same at Albany, where, by their commissioners, they hold their councils, and communicate every matter of importance to their good friends the Six Nations, and their allies, of which these tribes are a part, yet, in regard to the good and peaceable conduct of these nations, and in consideration of their wants, which this Congress are much inclined to relieve, and also in token of their friendship for them, as well as for all other Indians, who are at peace with these states, they, the said G[eorge] Walton and G[eorge] Taylor, Esqrs. are directed to deliver those presents to them; and they are, at the same time, to signify to the said Indians, that this Congress have an entire confidence, that the same peaceable and friendly conduct will be observed by them, which they have hitherto regarded.

Ordered, That the said Messrs. Walton and Taylor be furnished with a copy of the foregoing resolutions for their direction.

Resolved, That the pay of the commissary of military stores, to be appointed to take the charge and care of the continental stores in Maryland, be 40 dollars per month:

That the delegates of Maryland direct the quarter master to look out for a proper house, wherein to deposit the powder, in this town, belonging to the Continent; and that they desire the captain of the guard to see that a trusty guard be kept over the powder.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock Monday next.

MONDAY, JANUARY 27, 1777

Congress met, and adjourned to 10 o'Clock to Morrow.

TUESDAY, JANUARY 28, 1777

The delegates of Maryland having reported, that they have provided a suitable house in the country for the reception of the public powder,

Resolved, That the said delegates be requested and empowered to agree with a captain, and a proper number of men, to guard the said powder when removed.

Ordered, That the Board of War send forward from this town to General Schuyler, with all possible expedition, twenty tons of cannon powder and ten tons of pistol powder.

A number of letters and papers were laid before Congress and read, viz. a letter of 21 from the committee of Congress, at Philadelphia; one, of the 17, from General Washington, at Morris town; one, of the 19, from General Putnam, at Princetown, to Lord Stirling; also

One of the 22d, one of the 23, and one of the 25, from the committee of Congress, at Philadelphia;

One, of the 18 [19] and one, of the 20, from General Washington, at Morris town.

One, of the 13 and 15, from General Schuyler, at Fish kill, enclosing a letter, of the 3d, to him from Governor Trumbull; one, of the 22, and one, of the 26, from the council of safety of Maryland.

One, of the 6th, from Joseph Trumbull, Esq. at Hartford.

One, of the 18th, from Ebenezer Hancock.

One, of the 12, from Governor Trumbull, with a copy of the minutes of a committee appointed by the four New England States, who met at Providence, on Wednesday, 25 December, 1776, and by adjournments to January 2, 1777.

One, of the 13, from the council of Massachusetts bay.

One, of the 24, from Lieutenant Colonel Kirmovan.

One, of the 15th, from Brigadier ~~genl~~ De Roche Fermoy; and sundry letters from French officers:[1]

Ordered, That the letters from Brigadier ~~genl~~ De Roche Fermoy, and from the other French officers, be referred to General Washington, to do therein what he shall think the good of the service requires, without considering this reference as a recommendation in favour of any of the gentlemen applying:

That the letter of Lieutenant Colonel Kirmovan be also referred to General Washington.

A letter, of the 12, from the committee of Frederic county, Maryland, with sundry papers enclosed, was read.[2]

[1] Letters from the Philadelphia committee are in the *Papers of the Continental Congress*, No. 137, *Appendix*, folios 103, 111; from Washington, in No. 152, III, folios 469, 473, 482, of which two are printed in *Writings of Washington* (Ford), v, 175, 181. The letter of Putnam is in No. 159, folio 35; that of Schuyler in No. 153, III, folio 35; those of the Maryland Council of Safety, in No. 70, folios 127, 131; from Joseph Trumbull, in No. 78, XXII, folio 189; from Governor Trumbull, in No. 66, I, folio 249; and from Massachusetts, No. 65, I, folio 179.

[2] This letter is in the *Papers of the Continental Congress*, No. 70, folio 111.

A letter from Mr. Bingham, at Martinique, and sundry papers enclosed, were read:

Ordered, That a copy of the enclosed papers be delivered to the delegates of Maryland, to be laid before the assembly of their state; and that the letter and papers be referred to a committee of three;

The members chosen, Mr. [James] Wilson, Mr. [Samuel] Chase, and Mr. R[ichard] H[enry] Lee.

Another letter, from Mr. Bingham, recommending Mons. Celeron to notice of Congress, was read, and ordered to be referred to General Washington.

Resolved, That Friday next be assigned to take into consideration the letters from the State of Massachusetts bay, and Governor Trumbull, and the minutes of the proceedings of the committee of the four New England States.

Resolved, That the committee of Congress at Philadelphia, be informed, that Congress, from the committee's state of things, do not discern the necessity of moving the public stores from that city; but if any circumstances should hereafter arise, to render such a removal proper, Congress desire the committee may do therein what they shall think most conducive to the public service.

Ordered, That the letter from General Schuyler be referred to the committee on the affairs of the northern department.

The Secret Committee informed Congress, that the brig *Olive Branch*, William Bayly, master, was, by the procuration of Francis Lewis, laden at New York with 718 barrels of flour, on account of the United States, as will appear by bill of lading, signed 26 day of February, 1776, directed to be delivered to Mr. Samuel Carson, at St. Eustatia; that Captain Bayly, contrary to his orders,

proceeded to Occoys, on the island of Hispaniola, and there put the cargo into the hands of Mons. Croix, who, by several letters, informed Mr. Carson that he should remit said Carson the proceeds of the flour to St. Eustatia; and, in a letter from said Carson, dated St. Eustatia, 30th November, is the following paragraph:—"I have not received one farthing on account of brig *Olive Branch's* cargo, and God knows when I will;" that Captain Bayly, after landing the flour at Occoys, made a voyage for Mons. St. Croix, to France, and back to Occoys, where the said Croix loaded the brig, and proceeded with her to this port, where they both are at this time, with the vessel, re-laden with provision, &c. and ready to depart for Occoys; that Captain Bayly pretends he has sold the brig to Mons. Croix, and has taken his single promissory note for payment; but, it is obvious, that they have been jointly trading on the public's capital, and defrauding both the public and the owners of the brig; that, with the proceeds of the cargo sold here, they have re-laden the brig with provisions, &c. and have a residue of [£]2500 cash in their hands:

Resolved, That this matter be referred to the Secret Committee who are empowered to do therein what they shall judge to be just and right, and conducive to the public interest.

||*Resolved*,|| That a committee of 3 be appointed to take into consideration the state of Georgia:

The members ||chosen,|| Mr. [Oliver] Wolcott, Mr. R[ichard] H[enry] Lee, and Mr. [Abraham] Clark.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, JANUARY 29, 1777

A letter of the 26, from the committee of Congress, at Philadelphia.

One of the 22, from General Washington, at Morris town.

One, of the 25, from General Mifflin, at Philadelphia, were read:[1]

Ordered, That the letter from General Washington be referred to the Committee of Intelligence, to publish such parts as they think proper; and that they deliver it to the Board of War, who are directed to report thereon:

Resolved, That 80 dollars be advanced to Monsieur Celeron, to bear his expences to General Washington.

Resolved, That the treasurer be directed to desire such of the signers of the continental money, belonging to this State, as have diligently applied themselves to this business (excepting such as may be field officers of the militia) to exert themselves in supplying the treasury: and that he transmit a list of their names, and the names of the superintendents of the press, to the council of safety of Maryland, who are requested to excuse them from military duty, whilst thus employed by Congress.

Resolved, That ~~a member~~ Mr. [James] Wilson be added to the committee on the memorial of Colonel Campbell, in the room of Mr. [George] Ross, who is absent.

Resolved, That the president inform the governor and council of the State of Virginia, that Congress have not a sufficient certainty, that it will be in their power to arm the 2d and 7th batallions ordered from that state; and,

[1] The letter of the Philadelphia Committee is in the *Papers of the Continental Congress*, No. 137, *Appendix*, folio 115. That of Washington is in No. 152, III, folio 489. It is printed in *Writings of Washington* (Ford), V, 190.

therefore, request the said governor and council, to send, with all despatch, the arms belonging to the said batallions, if it can be done consistantly with the safety of their state.

Congress took into consideration the report of the Committee for Indian Affairs, to whom was referred a letter from the commissioners for Indian affairs in the middle department, dated 21 September last, at Pittsburg: Whereupon,

Resolved, That the commissioners for Indian affairs in the middle department, from the intelligence communicated to them, of the motions and preparations of some tribes of Indians, and from the dispositions of others, well known to be hostile, had cause to apprehend that an attack upon Pittsburg, or incursions into some parts of Virginia, or Pensylvania, would be made by those savages, and therefore, acted prudently in calling in forces for protection and defence.

The Committee of Treasury reported, that there is due to Thomas Smith, for sundry provisions, wood, &c. supplied the sick, and other continental troops at Wilmington, [£493.14.7= 1,316] 55/90 dollars:

To Monsieur Lotbinier, a Canadian chaplain, for his pay and rations from the 10 November, [1776,] to the 10th of January, 1777, 82 60/90 dollars, to be paid to Colonel Smith:

That there should be advanced to William Sterret, on account of his expences in going to and from the paper mill in Pensylvania, to attend the making the paper for the loan office certificates, 30 dollars, he to be accountable.[1]

Ordered, That the same be paid.

[1] This report is in the *Papers of the Continental Congress*, No. 132, I, folio 21.

Resolved, That John Griffiths provide the sick in the hospital in Baltimore, with shirts and blankets; and, for this purpose, that he apply to the Secret Committee.

A petition from a number of the inhabitants of Westmoreland, and a letter from Thomas Cressap, were read, and referred to the Committee on Indian affairs.

Resolved, That the treasurer of the United States be directed to give order for the payment of 33,333 1/3 dollars to the State of Connecticut, out of the continental loan office in that State, in payment of that sum advanced by Governor Trumbull to Colonel Sheldon, at the request of General Washington, for raising and equipping a regiment of light horse; the said State to be accountable; and that the president acquaint General Washington with this resolution.

Resolved, That 450,000 dollars be advanced to General Mifflin for the public service; and that the treasurer be directed to give an order on the loan office, in the State of Pensylvania, for the payment of that sum.

Resolved, That Dr. Mackenzie, who has the care of the sick in the hospital in Baltimore, be empowered to appoint a mate to assist him.

A letter from Carpenter Wharton was read, applying for an advance of a large sum of money: Whereupon,

Resolved, That the president inform Mr. Joseph Trumbull, commissary general, that there are various complaints against the conduct of Mr. Carpenter Wharton, his deputy; and desire him to enquire into the matter, and take such steps as he shall judge proper to prevent any loss accruing to himself or the public.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

THURSDAY, JANUARY 30, 1777

The delegates from New Hampshire produced credentials of their appointment, which were read as follows:

NEW HAMPSHIRE,
IN THE HOUSE OF REPRESENTATIVES, *Dec. 24, 1776.*

Voted, That colonel William Whipple, colonel Josiah Bartlett, and colonel Matthew Thornton, be, and they hereby are, elected and appointed delegates to represent the state of New Hampshire in the Continental Congress, for the term of one year, from the 23d day of Jan. next; and that any one of them, in the absence of the others, have full power to represent this state: and that no more than two of them attend at one time. Sent up for concurrence:

JOHN LANGDON, *Speaker.*

IN COUNCIL, *Dec. 25, 1776.*

Read and concurred;

EBEN THOMPSON, *Secretary.*

Copy examined by EBEN THOMPSON, *Secretary.*

Mr. Mann Page, a delegate from Virginia, attended, and produced the credentials of his appointment, which were read as follows:

VIRGINIA, *ss.* IN THE HOUSE OF DELEGATES, *December 4, 1776.*

The House proceeded by Ballot to the Appointment of a Delegate to represent this State in General Congress; and, the Members having prepared Tickets for the Person to be appointed, and put the same into the Ballot Box, Mr. Jefferson, Mr. Curle, Mr. Tazewell, and Mr. Prentis, were appointed a Committee to meet a Committee to be appointed by the Senate, and, jointly with them, to examine the Ballot Boxes, and report to the House upon whom the Majority fell.

Ordered, That Mr. Jefferson acquaint the Senate therewith.

The Committee then withdrew, and after some time, returned to the House, and reported, that they had met a Committee from the Senate, in the Conference Room, and had jointly with them examined the Ballot Boxes, and that the Majority was in favour of Mann Page, junior, Esqr, of Spottsylvania.

Resolved, therefore, That the said Mann Page, Esq. be appointed a Delegate to represent this State in General Congress, in the room of George Wythe, Esq. who is nevertheless empowered to continue to Act in Congress until the said Mann Page shall take his Seat therein.

A copy:

JOHN TAZEWELL, *C. H. D.*

IN THE SENATE, *December 4, 1776.*

The House proceeded, by joint ballot with the House of Delegates, to the choice of a Delegate to represent this State in General Congress, in the room of George Wythe, Esq[r] and the members having prepared their tickets, and deposited the same in the ballot box, Mr. Bland, Mr. Lewis, and Mr. Cabell, were appointed a Committee to meet the Committee from the House of Delegates, in the Conference Chamber, and, in conjunction with them, to examine the joint ballots, and report a state thereof to the House; and, having made their report, it appears, that Mann Page, jun. Esq. of Mansfield, hath the greatest number of votes on the ballot:

Resolved, thereupon, That the said Mann Page, jun. Esq. of Mansfield, be appointed a Delegate to represent this State in General Congress, in the room of George Wythe, Esq.

A message from the House of Delegates, by Mr. Jefferson, That they have come to a resolution, authorizing George Wythe, Esq. to retain his seat in Congress, until Mann Page, jun. Esq. shall take his seat therein, to which they desire the concurrence of the Senate, and he delivered in the same, and then withdrew:

The said resolution being read,

Resolved, That the Senate do concur with the House of Delegates therein, and that Mr. Holt acquaint them therewith.

A Copy from the Journals:

JOHN PENDLETON, *C. S.*[1]

The Board of War brought in a report, which was taken into consideration; Whereupon,

Resolved, That the Rev. Samuel Kirkland be allowed the salary of 444 dollars for the current year, to commence from the 11 day of November last, as missionary to the Indians; and that the sum of 300 dollars be paid

[1] The original is in the *Papers of the Continental Congress.* Virginia, *Credentials of Delegates.*

him as a compensation for his extra services and expences as chaplain and interpreter:

That the salary of Mr. James Deane, Indian interpreter, be encreased to 300 dollars for the current year, to commence the 23 November last:

That the pay of Thomas Spencer, blacksmith among the Indians, mentioned in General Schuyler's letter of the 7th inst. be referred to the commissioners of Indian affairs in the northern department, who are to make such addition thereto, as they shall think just ||proper||:

That the salary of Mr. Commissary Aylett and Jonathan Trumbull, Esq. deputy pay master general of the northern department, be augmented to the sum of seventy-five dollars per month each:

That the Board have considered the Petition of Messrs. Bartholomew Burke and Hamilton Ballantine, and on conferring with these Gertlemen, it appears that they have no Letters of Recommendation, the want whereof, they say, was owing to the unfriendly Disposition of the Inhabitants of the Island of Jamaica towards the American Cause.[1]

That Mr. Burke has served as an Ensign in the British Army, as he says, but Mr. Ballantine has never acted in any military capacity.[1]

Ordered to lie

That the Hessian Paymaster, now at Lancaster in Pennsylvania, sent from the Enemy with Money and Cloathes for the Hessian Prisoners of War, be permitted, after having executed his Business at that place, to pass to Dumfries in Virginia, and return to the Enemy under the Conduct of an Officer in the Service of these States, who is to take especial care that his stay be no longer than absolutely necessary, and that he gain or communicate no political Intelligence.[2]

Agreed

At a Board of War January 30th 1776[7]. Agreed to report to Congress.

That Mr. Josiah Throop be allowed the Pay of an Express, for his Trouble and Expence in bringing Intelligence of a public Nature relative to the Affairs of Nova Scotia.

[1] These two paragraphs were struck out.

[2] This report is in the *Papers of the Continental Congress*, No. 147, I, folio 51.

That the several Councils of Safety, Governors, or Legislatures of the respective States, take the most effectual Steps to collect from the Inhabitants, not in actnal Service, all Continental Arms, and give Notice of the Numbers they have so collected to General Washington.

Recommitted

That all Arms and Accoutrements belonging to the United States shall be stamped and marked with the Words United States ~~previous to their Delivery either to the Continental Troops or Militia~~ on the Barrels and Locks and Bayonets of those already made, and those to be hereafter manufactured in these States; and all Arms or Accoutrements so stamped or marked, shall be taken wherever found for the Use of the States, except they shall be in the Hands of those actually in Continental Service. That it be recommended to the Legislatures of the several States to make proper Laws for the Punishment of those who shall unlawfully take, secret, or refuse to deliver any Continental Arms or Accoutrements which they may have in their Possession.

Recommitted

That Questions having arisen on the Resolve of Congress of the 7th of October last relative to the Increase of Pay of the Officers, it be resolved, that the said Regulation does not extend to the Militia, or any other Officers not being engaged in the Service of the United States for three Years or during the War, but the said Militia and other Officers Shall receive their Pay agreeable to the Establishment previous to the said Resolve.[1]

That 200 dollars be paid to Mr. Josiah Throop, ~~be allowed the pay of an express~~ for his trouble and expence in bringing intelligence of a public nature, relative to the affairs of Nova Scotia, and for other services.

~~Resolved, That the several councils of safety, governors or legislatures of the respective states take the most effectual steps to collect from the inhabitants not in actual service all continental arms and give notice of the numbers they have so collected to General Washington.~~

Resolved, That Congress will, on Saturday next, take into consideration the most speedy and effectual means to furnish the new levies with arms.

[1] "Postponed to 31st January." This report is in the *Papers of the Continental Congress*, No. 147, I, folio 59.

Resolved, That a standing committee, to consist of five members, be appointed to hear and determine upon appeals brought against sentences passed on libels in the courts of Admiralty in the respective states, agreeable to the resolutions of Congress; and that the several appeals, when lodged with the secretary, be by him delivered to them for their final determination:

The members chosen, Mr. [James] Wilson, Mr. [Jonathan Dickinson] Sergeant, Mr. [William] Ellery, Mr. [Samuel] Chase, and Mr. [Roger] Sherman.

Resolved, That 300,000 dollars be sent to Jonathan Trumbull, Esq. deputy pay master general for the northern department:

That 800 dollars be advanced to the delegates of Virginia, for the use of Mr. B. Harrison, deputy pay master general in the southern department; who is to be accountable:

Resolved, That 166,666 2/3 dollars be advanced to the state of Massachusetts bay, by the continental treasurer's order on the loan office in that State for the said sum, the said State to be accountable.

The committee to whom the report on impressing carriages, was re-committed, having brought in another report, which was taken into consideration;

Whereas Congress by their Resolution of the [10] *of* [October] *last Resolved* (*here insert it*) *It is now further* resolved that *not only all officers in the Quarter Master's Department but all others in the service of the public be strictly prohibited from impressing;* horses teams or carriages [ought to be impressed] but upon the most urgent necessity, and *then only in aid of a constable or other civil officer, or some person deputed by a warrant from some magistrate*, agreeable to the Laws of the State, where the same [are wanted and laws for that purpose are provided] *is granted;* and in such State where there are no *magistrates or laws* enacted for that purpose [by virtue of a warrant from a magistrate] from the Chairman or a member of the Committee of the

County, city or district where the same are wanted: or in case the magistrate, (*or in such State where there are no magistrates or Laws provided for that purpose*) *the Chairman or member of committee, shall upon proper application neglect or refuse to grant* such warrant [cannot be obtained] *and have the same executed*, the commanding officer where such necessity shall happen may grant to his officers in the army warrants for that purpose, which they are to execute. In all which cases no more teams and carriages shall be impressed or employed in the service, than ten carriages capable of carrying one ton each, or other carriages [equivalent] *sufficient for carrying so much* for transporting the baggage of one whole and complete regiment, and so in the same proportion for a greater or lesser number of forces on their march; and also carriages sufficient for removing military stores and provisions, and for transporting the sick and wounded.

And if any officer of the army shall presume to impress horses teams or carriages, contrary to the directions above given, or suffer soldiers under his command to do the same, every officer so offending, upon due proof thereof by the oath or affirmation of two credible witnesses before any *two* magistrates, [in] of the County or town wherein such offence is committed shall [forfeit to the party injured such sums as said Magistrate shall order not exceeding twenty, or less than five dollars, which shall be paid by the Paymaster and deducted from the pay of such officer,] *be cashiered and* upon a certificate thereof under the hands of the said Magistrates together with certified copies of the depositions or affirmations of the witnesses proving such offence, being laid before the commanding officer of the army in such Department such offender shall thereupon be immediately dismissed from his office. Provided always that before any such depositions or affirmations are taken, the magistrate to whom complaint of such offence shall be made, or one of them shall send a notification thereof to the officer complained of acquainting him with the charge, and appointing a time and place for him to attend at the examination of such witnesses in order that he may be present and make his defence, and upon proof of such notice being given the said magistrates, may at the time and place so prefixed, proceed to take the depositions or affirmations aforesaid and certify the same as above directed.

And in order that a reasonable compensation be made for the service of all carriages employed or impressed as aforesaid: *Resolved*, That for every team and carriage capable of carrying [a ton weight,] *a load*

usually carried by a waggon with four able horses, or a cart with oxen and horses, and which shall carry such loads [if required and] *unless prevented* as far in a day, as is usually practised by such teams in the country and season they are employed in, there be paid the customary wages usually paid for the hire of such teams at that time in the parts where they are employed, not exceeding four dollars per day from the time they are taken into the service until discharged, and twelve ninetieths of a dollar per mile returning home; and *that for all carriages with two horses or a pair of oxen only, there be paid half the sum allowed for a carriage and four horses for the same time*, and so in proportion for all other teams according to their abilities for service, upon performing the same when required; the owners of all such teams and carriages to find drivers and supply them with provisions and forage for their teams; and in case the same shall be furnished at the public expence the value thereof shall be deducted out of their pay, and no team impressed shall be detained longer than four days at a time from home until discharged.

And in order that carriages may be impressed when necessity requires it with as little damage to the public as possible, it is recommended to all magistrates or persons authorized to grant warrants for that purpose, when it can possibly be done to send into the Country for what may be wanted, and take the same at the owners house, so as by all means to avoid impressing such as may be found on the road carrying supplies of provisions or other articles of trade or commerce, either to the Army or to towns for the benefit of the Inhabitants, or returning from the same. And all those who shall hire waggons or carts for the public service, or at whose request the same are furnished by warrant or otherwise, shall be accountable for, and punctually pay the owners thereof the above mentioned rates or allowances when the same are discharged, [or if the officer is not furnished with money for that purpose, he shall give a certificate of the services done and the sums due therefore which shall be paid by any Continental Paymaster upon application and such certificate being produced.][1]

And that strict Justice may be rendered, as well to individuals as the public. *Resolved*, That it be recommended to such magistrates, Chairmen or members of Committee who shall grant warrants for impressing carriages, to attend and see the same loaded in order that

[1] These words were inserted by Roger Sherman.

no unreasonable burthen be laid thereon, of which they are to be judges, and that no greater number are employed than may be necessary conformable to the above directions, and if a greater number should be procured, the same shall be immediately discharged by such Magistrate, Chairman or Member of Committee. And no additional burthen shall be put on any carriage after the same is loaded as above, either by soldiers riding or placing their arms or packs thereon.

And it is further resolved that all regiments, Companies, or parties of soldiers on their march or in quarters shall be constantly attended by one or more officers of their corps who shall see that all the above regulations as far as the same respects the officers or soldiers are strictly complied with, and no injuries or irregularities of any kind committed as the commanding officer of every party marching or in quarters shall answer the neglect thereof with the forfeiture of his commission.

Ordered That the foregoing resolutions be printed and sent to the army, and that the printers of the several newspapers in the different States be desired to publish the same once every six months during the war to the end that all concerned may take due notice and govern themselves accordingly.

Resolved That it be recommended to the Legislatures of the several States, to make provision by law for furnishing teams and carriages for marching troops and other public service on reasonable terms by impressing or otherwise when necessary under such regulations, as that the public service may not suffer or be delayed, or the owners of teams or carriages injured.[2]

And, after debate,

Resolved, That it be re-committed, and that three members be added ||to the committee:||

The members added, Mr. [Samuel] Chase, Mr. [Roger] Sherman, and Mr. [James] Wilson.

The several matters to this day referred being postponed,

Adjourned to 10 o'Clock to Morrow.

[2] This report, in the writing of Abraham Clark, is in the *Papers of the Continental Congress*, No. 21, folio 67. The brackets enclose interlined words, or amendments. The last paragraph was by Roger Sherman. See under February 22, post.

FRIDAY, JANUARY 31, 1777

Resolved, That the Board of War be directed to confer with Brigadier General Armstrong, who is come to town to lay some matters before Congress, and that they meet him this evening at their office.

Resolved, That Samuel Stringer Coale, and Rinaldo Johnson, be appointed signers of the bills of credit, in addition to those already appointed.

A petition from John Darrel, and Luther Martin, was read,[1] setting forth, that the appeal against the decree on the libel Job Pierce, *vs.* brig *Phœnix*, has, by mistake, been heard and determined by a different committee from that appointed to hear the same, and praying that it may be ordered to be reheard:

Resolved, That the judgment passed on this appeal be set aside and that for the reason above-mentioned; the hearing and determining the said appeal be referred to the standing committee for hearing and determining appeals.

A petition and remonstrance from a number of inhabitants of Somerset and Worcester counties, in the State of Maryland, was read:

Ordered, That the same be referred to a committee of three:

The members chosen, Mr. S[amuel] Adams, Mr. [James] Wilson, and Mr. R[ichard] H[enry] Lee.

Resolved, That a committee of four be appointed to consider what honours are due to the memory of General Warren, ||who fell in the battle of Bunker's-Hill, the 17th of June, 1775;|| and of the late General H. Mercer, who died on the 12th instant, of the wounds he received on the

[1] This petition of Darrell is in the *Papers of the Continental Congress*, No. 42, II, folio 271.

3d of the same month, in fighting against the enemies of American liberty, near Princetown:

The members chosen, Mr. [Benjamin] Rush, Mr. [Thomas] Heyward, Mr. [Mann] Page, and Mr. S[amuel] Adams.

A memorial from Nathaniel Rumsey, late a captain in the first batallion of Maryland regulars, was read:

Ordered, That it be referred to the Board of Treasury.

Resolved, That the Secret Committee be directed not to send to Virginia any more of the scarlet cloth, in their possession, than will be sufficient for facings of the cloaths ordered for the Virginia troops.

The delegates of Pensylvania, having recommended Jacob Weaver for captain, Edward Cowan for first lieutenant, William Feltman for second lieutenant, and Andrew Bachenstore ensign, of the company of infantry, ordered to be raised on the 18 instant:

Resolved, ~~That they be accepted and~~ That commissions be granted to them accordingly.

Resolved, That 1,400 dollars be advanced to Captain Jacob Weaver for the purpose of raising his company; he to be accountable.

~~Agreeable to the order of the day being called for,~~

~~Resolved, That Congress resolve itself into a committee of the whole to take into consideration the matters assigned for this day.~~

Congress resolved itself into a committee of the whole, to take into consideration the letter of the 12 from Governor Trumbull, and the minutes of the committee from the four New England States; and, after some time spent thereon, the president resumed the chair, and Mr. F[rancis Lightfoot] Lee reported ||from the committee,|| that they have had under consideration the matters to them

referred, but not having come to a conclusion, desired him to move for leave to sit again:

Resolved, That Congress will, to morrow, resolve itself into a committee of the whole, to take into consideration the letter from Governor Trumbull, and the minutes of the proceedings of the committees from the four New England states.

Ordered, That the Secret Committee deliver to Colonel Guest, of Maryland, 1,500 yards of linen for the use of the soldiers of his batallion, or as much as will be sufficient for 600 soldier's shirts.

The Committee of the Treasury reported, that there is due,

To Dr. Samuel Mackenzie, for sundry medicine purchased by him for the use of the hospital in Baltimore, 86 74/90 dollars:

To Dr. John Hindman, for sundry medicine supplied by him for the use of Colonel Richardson's batallion of Maryland forces, 20 6/90 dollars:

To Captain Henry Dearborn, for fire arms belonging to the privates of his company, and which were lost at the attack of Quebec, and for his extraordinary services, 260 2/3 dollars:[1]

Ordered, That the said sums be paid.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

[1]The report of the Committee, which is in the *Papers of the Continental Congress*, No. 136, I, folio 23, reads: "for a suit of clothes allowed him by Genl. Montgomery, and for his expenses from camp to this place in order to settle his account, 294 dollars." The value of the suit (33 1/3 dollars) was deducted.

SATURDAY, FEBRUARY 1, 1777

A letter, of the 28 January, from James Scott, captain of a company of volunteer militia from Fauquier county, in Virginia, was read, wherein he informs [Congress,] that he has raised a volunteer company, consisting of a captain, 2 lieutenants, an ensign, 4 serjeants, 4 corporals, one drum, one fife, and 64 privates, to serve where ordered, three months from the time of their march, and desires orders and a month's pay advance:

Resolved, That Captain Scott, with his company, be taken into continental pay on the terms proposed: ~~that~~ the money be paid to John Barker.

That 700 dollars be advanced to Captain James ~~Smith~~ Scott, for the use of ~~his~~ the said company; Captain Scott to be accountable:

That the Board of War direct Captain Scott to march immediately with his company and join General Washington.

The committee to whom was referred the petition ||and remonstrance|| from the inhabitants of Somerset and Worcester counties, ||in the State of|| Maryland, brought in a report, which was taken into consideration; Whereupon,

Resolved, That the said memorial ||petition and remonstrance,|| with the depositions accompanying the same, be forthwith transmitted to the general assembly of the State of Maryland:

That the said general assembly be earnestly requested to send a sufficient number of their artillery and militia, effectually to suppress the tories in the counties of Somerset and Worcester, and to seize and secure the persons mentioned in a list to be transmitted with these resolves,

and all others in the said counties who shall appear to have been the leaders of the tory faction there:

That it be recommended to the general assembly, aforesaid, to direct, that a day be given to all the inhabitants of the said counties, to assemble at appointed places, and take the oath of allegiance required by the said State, and that all who shall refuse or neglect so to do, be disarmed:

That General Smallwood ~~and all other Continental Officers in the said State~~ be, and he hereby is, required to assist in executing the orders of the said assembly for the purpose aforesaid;

That this Congress will afford one batallion, or more, if requested by the said assembly, for the said purpose:

That the said assembly be requested to cause all offenders, as aforesaid, to be brought to immediate tryal, agreeable to the laws of the said State.[1]

Resolved, That a Battalion be ordered to the County of Sussex, on Delaware with positive Instructions to the Commanding officer.—to disarm all such Persons of whom it may be proven that they are disaffected to the American Cause, and to apprehend such as have been or are their Leaders, returning the Names of those who may be thus disarmed, and the Persons of those apprehended, and the cause thereof to the general assembly of the State of Delaware.[2]

Ordered, That the president write to General Smallwood, and inform him, it is the direction of Congress, that he call to his assistance any continental officers and troops he shall think proper.

Resolved, That ~~Charles Carman, Charles Walker,~~ Saint George Peale be appointed signer of the bills of credit, in addition to those already appointed.

[1] At this point the original report has inserted by John Hancock "The foregoing agreed to."

[2] Against this paragraph Hancock has written "postponed." The report, in the writing of Samuel Adams, is in the *Papers of the Continental Congress*, No. 20, II, folio 221.

Agreeable to the order of the day, Congress proceeded to the election of a commissary of military stores, in Maryland, and, the ballots being taken,

Mr. Saint George Peale was elected.

The committee ~~appointed to consider the affairs in~~ on the northern department, brought in a report, which was taken into consideration; Whereupon,

Resolved, That Congress approve of General Schuyler's proposal of purchasing the cloathing and arms of a troop of horse formerly raised in Shenectady, mentioned in his letter of the 13 January:

Resolved, as the opinion of this Committee that the loan officer in the State of New York be directed to pay the monies he may receive into the military chest in continental bills, as fast as they may be brought in; he taking the Paymaster's receipts and transmitting copies of the same regularly to the Board of Treasury.

Postponed

~~Resolved as the opinion of this Committee, that the Committee of Congress now at Philadelphia be directed to procure and transmit to General Schuyler [ ] vermilion for the use of the Indians.~~

That the pay master in the northern department be directed to render a particular account to Congress of the sums of money in specie that have been paid into his hands, and of his expenditure of the same.[1]

Resolved, That the consideration of the second paragraph of the said report be postponed.

~~The Committee appointed to consider what honours are due to the memory of the late General Mercer, brought in a report, which was taken into consideration.~~

At a Board of War *Jan.y 31st 1777*

Agreed to Report to Congress the following Resolution, that of Yesterday on the same subject being recommitted.

That the several Councils of Safety, Governors, or Legislatures of the respective States, take the most effectual Steps to collect from the

[1] This report, in the writing of Samuel Adams, is in the *Papers of the Continental Congress*, No. 21, folio 51.

Inhabitants, not in actual Service, all Continental Arms, and give Notice of the Numbers they have so collected to General Washington.

That all Arms and Accoutrements belonging to the United States shall be stamped and marked with the Letters U: States. All Arms already made or purchased to be stamped on such Parts as will bear the Impression, and those to be hereafter manufactured to be stamped with the said Letters on every Part composing the Stand; and all Arms or Accoutrements so stamped or marked, shall be taken wherever found for the Use of the States, except they shall be in the Hands of those actually in Continental Service. That it be recommended to the Legislatures of the several States to make proper Laws for the punishment of those who shall unlawfully take, secret, refuse, or designedly neglect to deliver any Continental Arms or Accoutrements which they may have in their Possession.[1]

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock on Tuesday next.

TUESDAY, FEBRUARY 4, 1777

Mr. John Adams and Mr. [James] Lovell, delegates from Massachusetts bay, attended, and took their seats.[2]

Mr. [Thomas] Burke, a delegate from North Carolina, attended, and produced the credentials of his appointment, which were read as follows:

North Carolina. In Congress, *December 20, 1776.*

Resolved, That William Hooper, Joseph Hewes, and Thomas Burke, esqrs. be, and they are hereby, appointed Delegates to attend the Congress of the United States of America, in behalf of this State, until such time as the General Assembly shall direct otherwise; and they are invested with such powers as may make any act done by

[1] This report is in the *Papers of the Continental Congress*, No. 147, I, folio 61. It was read February 1, 1777.

[2] This paragraph is not in Charles Thompson's writing, and, from the ink, may have been inserted at a somewhat later date.

them, or any of them, or Consent given in the said Congress, in behalf of this State, obligatory upon every Inhabitant thereof.

By order,

CORNELIUS HARNETT, *President.*
JAMES GREEN, jun. *Secretary.*

A letter, of the 30 January, from the committee of Congress, at Philadelphia; one, of the 26 of the same month, from General Washington, at Morristown; and one, of the 21 January, from Daniel Joy, at Philadelphia, to the committee of Congress, were read.[1]

A letter, of the 23d of December, from Cornelius Harnett, president of the convention of the State of North Carolina, together with a memorial from the said convention, and a deposition of Emperor Mosely, respecting the capture of the brig *Joseph*, by the schooner *Eagle*, Brazilla Smith, commander, and an invoice of the cargo on board said brig, at the time of the capture, were laid before Congress, and read:

Ordered, That they be referred to a committee of three; and that the letters on this subject, formerly committed to the Marine Committee, be referred to this committee.

The members chosen, ~~Mr. Adams~~ Mr. [James] Wilson, Mr. [John] Hall, and Mr. [Jonathan Dickinson] Sergeant.

A letter, of the 3d February, from the council of safety of Maryland, was read.[2]

Resolved, That Joseph Gaither be appointed a signer of the bills of credit, in addition to those already appointed.

[1] The letter of the Committee is in the *Papers of the Continental Congress*, No. 137, *Appendix*, folio 127; that of Washington is in No. 152, III, folio 497. It is printed in *Writings of Washington* (Ford), V, 203. The letter of Joy is in No. 78, XIII, folio 35.

[2] This letter is in the *Papers of the Continental Congress*, No. 70, folio 135.

Ordered, That the letters from the committee of Congress, General Washington, and Daniel Joy, be referred to the Board of War.

A memorial from Dr. Thomas Young was read, and referred to the medical committee.

A memorial from Nathaniel Donnel was read, and referred to the Board of Treasury.

Resolved, That it be recommended to the council of safety of Maryland, to cause the tories in the counties of Somerset and Worcester to be disarmed as quickly as possible; and the provisions removed from those counties, that have been collected there for the public use.

The committee on the State of Georgia, brought in a report, which was read.

Resolved, That Mr. [Bartholomew] Burke, of Jamaica, who has applied to Congress to be taken into the service of the united States, be referred to General Washington:

Resolved, That Dr. [Thomas] Burke be added to the Medical Committee; and that he be appointed a member of the Marine Committee, in the room of Mr. [William] Hooper, who has leave to return home for some time.

Congress resolved itself into a committee of the whole, to take into consideration the letter from Governor Trumbull, and the minutes of the committees from the four New England governments, and, after some time, the president resumed the chair, and Mr. F[rancis] L[ightfoot] Lee reported, that the committee have had under consideration the matters to them referred, but, not having come to a conclusion, desire him to move for leave to sit again:

Resolved, That this Congress will, to morrow, resolve itself into a committee of the whole, to take into consideration the letter from Governor Trumbull, and the

minutes of the committee from the 4 New England governments.

In Com^ee^ of the Whole Feby. 4. 1777.

The Committee of the Whole, having according to the Order of the Day, taken into Consideration the Letter from Governor Trumbull and the Proceedings of the Committee therein inclosed, came to the following Resolutions thereupon:

Resolved, That it is the Opinion of this Committee that the peculiar Situation of ~~public affairs and of~~ the New England States, whose Communication with Congress was in a great Measure cut off, and who were invaded or threatened with an immediate Invasion by the Enemy, rendered the Appointment and Meeting of the Committee proper and necessary, and consequently, worthy of the Approbation of Congress.[1]

A letter, of the 1st, from the committee of Congress, at Philadelphia, was read.[2]

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, FEBRUARY 5, 1777

A letter, of the 2, from the committee of Congress at Philadelphia, was read;

A resolution and minutes of the officers of the Baltimore town batallion, were laid before Congress:[3]

Ordered, That they be referred to the Board of War.

[1] "N. B. the above resolve debated two days in Committee of the whole and agreed to and reported.

"Feby. 12. taken up in the house and debated on the 1st Day, disagreed to by a majority of one.

"Feby. 13. Moved to be reconsidered, debated, the house equally divided."—*Note by Charles Thomson.*

This report, in the writing of James Wilson, is in the *Papers of the Continental Congress*, No. 24, folio 375. See note under February 13, 1777.

[2] This letter is in the *Papers of the Continental Congress*, No. 137, *Appendix*, folio 131.

[3] This letter is in the *Papers of the Continental Congress*, No. 137, *Appendix*, folio 135.

A letter from General Putnam, with a number of papers enclosed, and a letter from the North Carolina prisoners, were read; and referred to the Board of War.

Resolved, That Mr. Hudson, the pay master in Baltimore, be directed to settle with Colonel Gist, and pay such of his men, as are inlisted to serve for three years, or during the war, up to the 10th of this instant, and also to pay the Virginia troops on their march to General Washington, the arrearages of pay due to them; and that he transmit an account of what he pays to the pay master general, in order to regulate the future pay of the said troops.

||*Resolved*,|| That 20,000 dollars be advanced to Mr. Jonathan Hudson, for the public service; he to be accountable.

A letter from Henricus Godet, of Eustatia, was read:

Ordered, That the same be referred to the Secret Committee, and that they return an answer.

A memorial of Gotlieb Klose, a native of Silesia, and late missionary from the United Brethren to the negroes, in the island of Jamaica, was read; setting forth, that he was taken on his passage to Bristol, in the snow *Thomas*, Thomas Nicholson, master, by the continental cruiser, *Andrew Doria;* and praying that his effects, consisting of the tools of his trade, and cloathing, may be restored to him;[1] ||Whereupon,||

Resolved, That the prayer of the petition be granted.

A petition from Edward Southouse was read:

Ordered, That it be referred to a committee of three:

The members chosen, Mr. J[ohn] Adams, Mr. [Roger] Sherman, and Mr. [Samuel] Chase.

A petition of the shipwrights of Fell's-point, was read:[2]

Ordered, To lie on the table.

[1] This memorial is in the *Papers of the Continental Congress*, No. 41, V, folio 59. It is endorsed as a proper request by Robert Morris, as Vice President of the Marine Committee. A letter of Daniel Benezet in regard to the matter is on folio 67.

[2] This petition is in the *Papers of the Continental Congress*, No. 42, VII, folio 27.

Resolved, That a brigadier general be appointed for the troops in North Carolina, and that his rank be determined when the other general officers for the army are elected:

The ballots being taken, Colonel Francis Nash was elected.

The Marine Committee having informed Congress, that Captain Fulford, who was appointed to the command of the *Lexington*, has declined that service, and having recommended Captain Henry Johnson to the said command:

Resolved, That he be accepted and that a commission be granted to him accordingly.

||*Resolved*,|| That Elijah Bowen be appointed first lieutenant of the said brig *Lexington*.

Resolved, That General Moore be directed to detach into the different parts of North Carolina, recruiting officers; and that he be particular in selecting such for that purpose, as are well acquainted and esteemed in that state: and, in order to expedite this important purpose of recruiting the army,

Resolved, That General Nash use his personal influence in the western parts of that state, and, by every means in his power, stimulate the inhabitants to inlist, and urge the recruiting officers to be active in their duty, as it is a matter of much importance to the common cause, that the six regiments, formerly raised in North Carolina, should be filled up, and the three lately ordered, be recruited to their full complement, before the 15 day of March next.

Resolved, That General Moore and General Nash, proceed with the nine continental regiments, raised and directed to be raised in the state of North Carolina, to join General Washington; and that they begin the march from the State of South Carolina, of such of the said nine regiments, as shall be then there, on the 15 day of March next, and of such continental troops as shall be in the

State of North Carolina, as soon as they shall be joined by the regiments which are ordered, as aforesaid, from South Carolina. That the troops be marched by regiments or parts of regiments, as the commanding officer shall judge best.

Resolved, That the governor of the State of North Carolina, and the executive powers of the several States, through which such troops shall march on their way to head quarters, be requested to render them every assistance in their power, to expedite their progress:

That General Moore be impowered to draw upon the ||deputy|| pay master general of the southern department, for such sums of money as shall be necessary to procure supplies for the said troops, until they join the continental army; and that all commissaries and quarter masters in the continental service, who shall be in the States through which they pass, contribute their best endeavours to aid in carrying this resolve into execution, with all possible expedition.

The Board of War, who were appointed ||directed|| to confer with General Armstrong, reported, that they have had a conference with him; that the conference turned upon various and important subjects, relative to the raising the new army, supplying them with arms, ammunition, cloathing, provisions, and medicines:

Ordered, That the Board of War digest the said conference, and bring in a proper report on the several matters mentioned, saving what relates to medicines.

Resolved, That the Medical Committee be empowered to employ a suitable person in each of the states, to purchase such medicines as they shall direct, for the use of the army, which can be procured at any reasonable rates.

||*Ordered*,|| That the said committee enquire what is become of the medicines which Dr. Morgan took from

Boston, and which Dr. Stringer bought for the northern army, and take measures to have them secured, and applied to the use of the army.

Resolved, That three members be added to the committee on Indian affairs:

The members chosen, Mr. [Mann] Page, Mr. [James] Lovell, and Mr. [Thomas] Burke.

Resolved, That Mr. Thomas Cummings be appointed and impowered to supply the continental troops, in the State of Maryland, with rations, on the most reasonable terms he can, till the farther orders of Congress.

Resolved, That William Aylett, Esq. deputy commissary general of Virginia, be directed forthwith to purchase, with as much secresy as possible, and lay up in proper magazines, convenient to water carriage, under the care and management of trusty store keepers, a quantity of good merchantable Indian corn, not exceeding ten thousand barrels.

Resolved, That 500,000 dollars be advanced to the State of North Carolina, upon a warrant from the governor of the said State for that sum, the said State to be accountable.

Resolved, That the commissioners at the court of France, be directed to use their utmost endeavours, to send, without delay, 80,000 blankets, 40,000 compleat suits of cloaths, for soldiers, of green, blue, and brown colours, with suitable facings, and cloth of the same colours, with trimmings, sufficient for 40,000 suits more, 100,000 pair of yarn stockings, fit for soldiers, 1 million flints, and 200 tons of lead, in armed vessels, to such ports of the united States, as the Secret Committee shall direct; that they pledge the faith of the united States for complying with their contracts; and should the application of Congress to the Court of Versailles, for the loan of money be suc-

cessful, that they appropriate part thereof to the payment of the said articles; that the several States be requested to order their armed vessels into the service of the united States, under the direction of the Secret Committee; that they be allowed a reasonable compensation for the use thereof, with the appraised value of such as may be lost; and that one of the new continental frigates, with the armed vessels which may be furnished by the respective States, be employed by the Secret Committee, to export produce, and import military stores for the next campaign.

Resolved, That a committee of three be appointed to consider the extraordinary services of the Reverend Mr. Caldwell, of New Jersey, and report what compensation should be made to him:

The members chosen, Mr. [Abraham] Clark, Mr. [John] Hall, and Mr. [Mann] Page.

Congress resolved itself into a committee of the whole, to take into consideration the letter from Governor Trumbull, and the minutes of the committees from the four New England governments; and, after some time, the president resumed the chair, and Mr. F[rancis] L[ightfoot] Lee reported, that the committee have had under consideration the matters to them referred, and have come to a resolution thereon, which he was ordered to report, when the Congress is ready to receive it:

Ordered, That it be received.

The report from the committee of the whole ||Congress,|| being read,

Ordered, That the consideration thereof be postponed.

Ordered, That the proceedings of the committee from the four New England States, which were under the consideration of the committee of the whole ||Congress,|| be referred to a committee of five:

The members chosen, Mr. R[ichard] H[enry] Lee, Mr. [James] Wilson, Mr. [Samuel] Chase, Mr. J[ohn] Adams, and Mr. [Roger] Sherman.[1]

Resolved, That the warrant of the General ||Washington, for 5,000 dollars,|| in favour of Colonel Hartley, be paid and charged to the account of the pay master general, and that an account thereof be transmitted to the pay master general.

||*Resolved*,|| That General Armstrong's brigade major, be paid the arrears due to him, and the amount thereof charged to the account of the pay master general, to whom an account is to be sent.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

THURSDAY, FEBRUARY 6, 1777

Resolved, That two members be added to the Board of Treasury:

The members chosen, Mr. [Mann] Page, and Mr. [Jonathan] Elmer.

A number of copies of the address from the convention of New York, to their constituents, being translated into the German language, were sent to Congress:

Ordered, That they be delivered to the Board of War, who are directed to have them distributed.

The Board of War brought in a report, which was taken into consideration; Whereupon,

[1] On the back of the report in the *Papers of the Continental Congress*, printed on p. 88 *ante*, Thomson has noted the balloting for this Committee, as follows: R. H. Lee, 8; J. Adams, 7; Wilson, 8; Chase, 8; Burke, 2; S. Adams, 1 [?]; Sherman [5 or 6]; Sergeant, 1; Thornton, 1; Gerry, 1; Middleton, 1; Elmer, 2.

Resolved, That Colonel Henry Hollingsworth continue to supply the troops passing through the Head of Elk, with provisions at the usual rates.

A motion being made by Mr. [Abraham] Clark and seconded by Mr. [Jonathan Dickinson] Sergeant,

Whereas General Washington, by his Proclamation of the 25th of January last, required all those who have subscribed the Declaration, taken the Oaths of Allegiance to the King of Great Britain, and accepted protection and certificates from Lord or General Howe, or any person acting under their Authority, forthwith to repair to head quarters, or to the quarters of the nearest general officers of the Continental Army, or Militia, until further provision can be made by the civil Authority; And therein grants full liberty to all such as prefer the Interest and Protection of great Britain to the freedom and happiness of their Country, forthwith to withdraw themselves and families within the Enemy's Lines. Which Proclamation, may in some particular States, interrupt the due course of the Laws made therein for the trial and punishment of Traitors and other offenders against the peace and liberties of the same; For remedy whereof, *Resolved*, that the above mentioned Proclamation shall not in any wise take effect in such manner as to prevent the free exercise of the Laws or Regulations, enacted or provided in any of the United States, for the punishment of offenders within the same, or exempt any person from arrests and detention in Civil or Criminal Actions under Colour of the Liberty granted to withdraw themselves and families within the enemy's lines; or in any instance to interfere with or oppose the free exercise of the Legislative or Executive powers of any State.[1]

Ordered, That it be referred to a committee of five:

The members chosen, Mr. J[ohn] Adams, Mr. R[ichard] H[enry] Lee, Mr. [Jonathan Dickinson] Sergeant, Mr. [Roger] Sherman, and Mr. [Thomas] Heyward.

Resolved, That 1,400 dollars be advanced to Mr. Robert Cummings, for the public service; he to be accountable.

[1] This motion, in the writing of Abraham Clark, is in the *Papers of the Continental Congress*, No. 36, 1, folio 4.

||*Resolved*,|| That 6,000 dollars be advanced to General Smallwood, for the purpose of paying the arrearages due to his late batallion; he to ~~account~~ ||be accountable.||

||*Ordered*,|| That the Secret Committee be directed deliver to Colonel Stone, for the use of his batallion, 1,050 yards of linen and cloath, proper for facings for his soldiers' cloaths.

Congress took into consideration the report ||of the committee|| on the state of Georgia; Whereupon,

Resolved, That a supply of arms and cloathing for the continental batallions, there ||in Georgia,|| ought to be furnished as expeditiously as possible:

And, as that State is in the neighbourhood of numerous and powerful nations of Indians, it is an object of important consideration, to cultivate their friendship and secure peace with them; and this is rendered more necessary by the contiguity of those Indians to the colonies of East and West Florida, from whence the agents of the king of Great Britain are perpetually stimulating the savages to make war upon the people of Georgia; therefore,

Resolved, That the Secret Committee be directed to procure, for the defence of Georgia, a supply of arms and cloathing for the continental forces raised as the quota of that State, and that they also procure goods for carrying on the Indian trade to the amount of ten thousand dollars, in addition to the 20,000 dollars advanced by the Secret Committee, to Mr. [Button] Gwinnett, for that purpose, which goods may be delivered either at Charlestown, in South Carolina, or in Georgia, for the use of the continental Indian commissioners of the southern department, to be employed in securing the friendship of the southern Indians.

Resolved, That the Board of War give orders and directions to Colonel Buchanan, whose batallion is under orders

to march to General Washington, to march immediately with his batallion to Somerset and Worcester counties, in order to suppress the insurgents in those parts; and that the said Board, hasten, with all possible expedition, the march of Colonel ~~Smallwood with the~~ Gist with his batallion.

Resolved, That as soon as the artillery companies, already ordered to be raised in Georgia, are compleated, an additional company of artillery be raised on the continental establishment for the State of Georgia, to consist of one captain, two lieutenants and fifty privates.

The committee appointed to take into consideration the minutes of the committee from the four New England governments, brought in a report, which was read:

Ordered, To lie on the table.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

FRIDAY, FEBRUARY 7, 1777

A letter, of the 6, from the council of safety of Maryland, enclosing a deposition of William Patterson, was read.[1]

Resolved, That the commanding officer of the Second Virginia batallion, in Baltimore, be directed to proceed with the troops under his command, to Somerset and Worcester counties, on the Eastern Shore, to assist in quelling, and bringing to justice, the insurgents in those parts; and having performed that business, to proceed immediately with his troops ~~and join~~ to General Washington.

[1] These papers are in the *Papers of the Continental Congress*, No. 70, folio 139.

Ordered, That the Board of War be directed to supply the troops of the 2d Virginia batallion with arms and necessary accoutrements.

Mr. Buller Clairborne, Mr. Joseph Scott, and Mr. Spotswood Dandridge, who were appointed captains of the artillery batallion, ordered to be raised in Virginia, having declined to serve, Congress proceeded to the election of three captains to supply their places; and, the ballots being taken,

Mr. Anthony Singleton, and John Winster, and Jacob Walker, were elected.

Resolved, That an extract of the letter of Governor Trumbull of the 12 of last month, so far as it relates to the pay of the light-horse from Connecticut who served last campaign, be transmitted to General Washington, and that he be directed to settle their pay, and give orders for the payment.

Resolved, That 1,100 dollars be advanced to the Committee of Secret Correspondence for public service; for which they are to be accountable.

Resolved, That Monday sen'night be assigned for appointing ||electing|| general officers.[1]

[1] "Motion in Congress that the President write to every State excepting Virginia and Masachusett's Bay recommending a fuller representation, proposed to leave out the Exceptions, passed in the Negative Amendment proposed, that when ever any State was unrepresented the President should write requesting a full representation agreed by a Majority—motion to be reconsidered—Amendment proposed that when ever any State was represented by less than three President should write &c. rejected. Question upon the whole as amended Nos 5 Ayes 4 1 Divided—

"In this Debate the States fully represented insisted on the Exceptions that, it might appear they had no need of a Memento. Several other States insisted that no state ought to be permitted to Commit a Vote in the General Council of the States to less than three. That less nor even that Number would supply Committees it was Answered to the first that every State had made her representation as best Suited her Circumstances, that many were unable to spare or support one more Numerous. that each was best Judge how many of her citizens She would Trust, and to what length she would Trust them, that there was no need of publicly calling on them for a representation more full because they had already wished the same thing but

Resolved, That Zachariah Maccubbin be appointed a signer of the bills of credit, in addition to those already appointed.

Mr. Lux and Mr. Purviance, who were appointed by the Board of War to examine the accounts of Thomas Nichols, having reported, that it appears by the treasurer's books, that the said Nichols has received 533 30/90 dollars, and that he has paid 54 65/90 dollars, and that there is a balance of 478 55/90 dollars, due from him:

Ordered, That Mr. Lux and Mr. Purviance be requested to receive from the said Thomas Nichols, the said balance of 478 55/90 dollars, and pay the same into the receiver of

found it Inconvenient to be Effected that therefore those who had any representation at all [had] done what their circumstances permit [ed,] an [?] for greater Exertions, to the second that the represent [ ] the States who had few refused nor [ ]

"That the weight and Trust were certainly too great for any one person but it was an evil that could not at present be remedied, and therefore it must be born, that requiring three to form a Quorum would Embarass several states and leave such States often without any representation at all, because if any Accident prevented the attendance of one, the Vote was Necessarily lost, and any state would prefer a Vote by one of her Delegates rather than No Vote at all

"North Carolina having only one Delegate present urged that the arguments [ ] at the Insufficiency of One Delegate for so Important a Trust were sensibly felt by the Delegate who already tho' but a very few days in Congress found his Experience and abilities far Inferior to his Duty, but this was not the fault of his Country who could not prevail on her abler men to undertake a Business so arduous and Inconvenient. that She had Indeed appointed three but never Expected that they should be always in Service at Once, because the absence was too long from their private Families and Affairs, and She had not Funds to support a greater Number, that One who Expected to have been here was prevented by Illness. the other had Just departed and after a long attendance was permitted to return home that the Single Representation of that State was the Misfortune of the Delegate on whom all Incompetent as he is, the burthen of so high a Trust had fallen and also the misfortune of his Country who in the absence of his more able Colleagues could not be so well served. that Considering it as a matter which each state had an Exclusive right to Judge of the Delegate could not agree that Congress should at all Interfere with it, that having Just informed the Congress that one of the [ ] permitted by his Country to return, and that the [ ] that only two would be in service the Delegate considered the Amendment relative to three is [as] implying a Censure on his Country and he must therefore protest against it—The Intention to Censure was disclaimed." *Burke's Abstract of Debates*, MS.

the continental treasury, and that Thomas Nichols, alias Dudley, who is in custody on suspicion of mal-practices, be confined till farther orders.

The Committee of Treasury reported, that there is due to Gerard Hopkins, for six chairs and a pine table for the use of the treasury office, the sum of 24 60/90 dollars:

To Anthony Dearing, for the hire of his team 14 days in the service of the 2d Virginia regiment ||battalion,|| on their march to join General Washington, 35 dollars:

To Francis Lewis, Esq. for cash he paid to Ensign John Gassway, for the support of sick soldiers on the road, belonging to the batallion late Colonel Smallwood's, the sum of 6 dollars:

To James Calhoun, Esq. chairman of the committee of observation of Baltimore county, for cash he paid Mr. James Buchanan, for the reward of £45, for taking up Alexander M'Leod, Daniel M'Leod, and Murdock M'Castle, three North Carolina prisoners, who broke gaol, and for the expences of bringing them from Broad Creek, in Sussex county, to Baltimore, the sum of [£80.16.10=] 215 52/90 dollars:

That they have examined the accounts of John Montgomery, and Jasper Yeates, Esqrs. commissioners of Indian affairs for the middle department, for the pay and part rations of the militia of West Augusta county, in Virginia, and Westmoreland county, in Pensylvania, who marched to Pittsburg previous to the late Indian treaty, for their services 21 days; and Mr. Yeates's expences for that time, amounting to £1,505 13 8. That the said commissioners expended on their return to Pittsburg, with the Indian chiefs who visited Congress at Philadelphia, £92 15 10, the whole amounting to £1,598 9 6, of which they received on account of Indian expences, the sum

of £100; that there remains a balance due to them of £1,498 9 6, equal to 3,995 84/90 dollars:

That there should be paid to the Honble Roger Sherman, Esq. for the hire of Edward Whitmore's waggon, and two horses, taking seven Indians of the Penobscot tribe, from New Haven to Marrinec, £6 8, and for a horse belonging to John Pierpont, taken by the enemy in the above service £10, both sums making £16 8, lawful money of New England, equal to 54 60/90 dollars:

That there is due to Robert Aitken, for paper, inkstands, quills, sealing wax, &c. for the use of the treasury office, the sum of £14 0 11, equal to 37 41/90 dollars:[1]

Ordered, That the said sums be paid.

Resolved, That two members be added to the committee for printing the Journals:

The members chosen, Mr. [John] Witherspoon and Mr. [James] Lovell.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

SATURDAY, FEBRUARY 8, 1777

A letter, of the 4th, from the committee of Congress, at Philadelphia; one, of the 31 January, from General Washington, at Morristown; one, of the 3^d instant, from Governor Livingston, at Haddonfield, New Jersey; one, of the 31 January, from Messrs. Walton and Taylor, at Easton.

One, of the 23 January, from General Schuyler, at Albany, with sundry letters and papers enclosed.

[1] This report is in the *Papers of the Continental Congress*, No. 136, 1, folio 27.

And one, of the 24 of January, from D. Waterbury, were read[1] and referred to the Board of War.

Resolved, That Dennis Griffith be appointed a signer of the bills of credit, in addition to those already appointed.

The Committee of Treasury reported, that they have examined the account of George Lindenberger, for conveying the Hessian officers and their servants, prisoners from Baltimore town, to Dumfries, in Virginia; and that his account amounts to the sum of £192 12 3, of which he received of the treasurer, £112 10, and that there is a balance due him, of £49 11 9, equal to 132 21/90 dollars:[2]

Ordered, That the said accounts be paid.

Resolved, That the sum of 12,600 dollars be paid to George Noarth, Esq. and charged to the account of William Palfrey, Esq. pay master general, the same being in full of an order in his favour, drawn by the said William Palfrey, dated Newton, 22d January, 1777.

Resolved, That 200,000 dollars be sent to the committee of Congress, in Philadelphia, for public service; they to be accountable.

Whereas the medium Interest given for money lent in the United States, exceeds the sum formerly proposed by Congress on their Loan Office Certificates, and it being necessary that a general Regulation should take place, and whereas it is expected by Congress that every friend to America will exert himself to supply the loan office with this necessary article essential to the establishment of the liberties of the United States,

It is therefore, *Resolved*, that six per cent. per annum be allowed as well on each certificate already issued as on those that may hereafter issue, notwithstanding it may appear on the Face thereof, that

[1] The letter of the Philadelphia Committee is in the *Papers of the Continental Congress*, No. 137, *Appendix*, folio 137; that of Washington is in No. 152, III, folio 513. It is printed in *Writings of Washington* (Ford), V, 210. The letter of Livingston is in No. 68, folio 239; that of Schuyler, in No. 153, III, folio 43; and that of Waterbury, in No. 78, XXIII, folio 353.

[2] This report is in the *Papers of the Continental Congress*, No. 136, I, folio 27.

the lender is entitled to an annual Interest of but four per cent; and it is recommended to the several States [to] provide Laws prohibiting a higher Interest on Money borrowed in such States than is offered by Congress in this Resolve.[1]

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock on Monday.

[1] This motion, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 36, I, folio 3. A fair copy is on folio 1, with the endorsement "A motion agitated on Saturday and Monday, Feby. 8 and 10, 1777. House equally divided."

"Motion for offering 6 per cent in the Loan Office.

For it,—was agreed the necessity of money for carrying on the war, which four per cent had not yet procured, the expediency of borrowing on this interest to prevent further emissions, and of alluring moneyed men to embark in our interest. Against it.—that the public, being the only borrower, must get the money at the interest already offered, if there was any to be lent; that those who withheld money, only did it in hopes our necessity would compel us to give a higher interest, and that they would withhold it as long as they had any prospect of forcing us to offer higher interest: that the interest would be a heavy and unequal burthen on the State, because those who now possess the money would lay the rest under a heavy tax under the name of interest; that there was little money to be borrowed, because men speculated and found they could lay it out to better advantage; that the necessity for money made it more expedient to seek a more certain resource. The delegate of North Carolina could not be satisfied that Loan Office certificates, and bills of credit, where both had the same security for their redemption, were not in effect the same thing: he therefore thought Loan certificates another emission in bills of another denomination, with this unjust inequality, that one part of the community would thereby be taxed for the others. He also thought that much money would not be borrowed on them at any interest, unless it was for the more convenient purposes of exchange, and he thought it would give our enemies too convenient a machine for affecting our hopes and fears. He would vote against a Loan altogether if it were now the question, and the same reasons induced him to vote against the increase of interest. Question put, Aye 5; no, 5. Aye, New Hampshire, Massachusetts Bay, New Jersey, Pennsylvania, Virginia. No—Rhode Island, Connecticut, North Carolina, Georgia, S. Carolina." *Burke's Abstract of Debates. North Carolina Colonial Records*, XI, 389.

"Feby 8th. An adjournment to Philadelphia was moved for and postponed A Resolve was moved for offering 6 pct. Interest in the Loan Office the Debate took up greatest part of the Day, and the determination was postponed at the request of Connecticut.

"The Arguments chiefly were that money was absolutely Necessary for carrying on the War, that four per ct which was already offered could not procure it and it

MONDAY, FEBRUARY 10, 1777

A letter, of the 8, from the council of safety of Maryland, with sundry papers, relating to the insurrection on the Eastern Shore of Maryland; one, of the 3d, from Southy Simpson, Esq. of Accomac; and one, of the 11

was therefore Necessary to Increase the Interest. that this mode was more eligeable than a farther Emission because it would draw out of Circulation that superfluous quantity which occasioned the Rise of all prices. that the allowing monied men to embark in one Common Interest with the other orders of men would greatly add to the Security of our Independence.

"In answer it was urged that the Offering a higher Interest would not more certainly procure the money. for those who had it to lend would find no borrower but the public— and those who had not could not lend it on any Interest that the Interest would be an Accumulating Debt (if it could be borrowed) under which the Country must Sink. that the States would be very unequally burthened because those who now possessed the greater part of the Money would lay the other States under a heavy Tax to them under the name of Interest, that [ ] there were in the Country no money Lenders [ ] man found that every day's Occurrences [ ]

"Opportunities of laying out his money to much greater advantage, that however Necessary the money might be it was still the more Necessary to fall on some Expedient that might procure it with certainty, that the Increase of Interest having been tried in many States without Effect very clearly proved money was not to be borrowed. North Carolina urged that it was a clear Truth that money was Necessary, it was equally clear that it was advisable to prevent further Emissions and to reduce the quantity in circulation if it was possible to Effect it. the Delegate declared that when he offered his thoughts before that Illustrious assembly he did it with the greatest Diffidence and deference that he should not trouble them with any on so abstruce and Intricate a Subject as the present, but that he perceived the matter had not Struck any other in the same point of View that it did him, that he felt himself Oppressed with the weight of the Question, and having the misfortune Singly to have the vote of one State to give he wished to do it on Established Principles, and the clearest conviction, he therefore beged their Indulgence and candor if he should offer objections which had been answered in some former Debates (for there had been many on that Subject) which he had not the Good fortune to Hear.

"He urged that he had not been able to derive any Satisfactory Information from the Debate that the money could be had by way of Loan on any Interest, or that money raised by way of Loan would not be a further Emission in Effect, that he perceived there were few or no money lenders in the Country. that Farmers and Gentlemen speculated, and reserved their [ ] for purchases, and Merchants, always relyed on employing." *Burke's Abstract of Debates*, MS.

of December last, from General Lee, at Morristown, were read:[1]

Ordered, That the letter from Southy Simpson be referred to the Board of War.

Resolved, That it be recommended to the council of safety of Maryland, to prevent the sailing of all provision vessels, while the enemy's ships of war infest the bay; as, there is the greatest reason to apprehend, they cannot avoid falling into the possession of the enemy.

Resolved, That 400 dollars be advanced to James Betton, towards defraying the expences of carrying money to the eastern states, he to account with the State of New Hampshire.

Resolved, That the committee of Baltimore be desired to send William Pigot, a prisoner, under a trusty guard, to the town of York, in Pensylvania, and deliver him with this order, to the committee of York town, who are desired to have the said William Pigot safely and securely confined in prison till farther orders.[2]

A petition from Colonel Duggan was read:

Ordered, That it be referred to the Board of Treasury.

A petition from Timothy Folger was laid before Congress and read:

Ordered, To lie on the table.

Resolved, That the Board of War write and inform General Smallwood, that Congress have ordered such a number of troops as they judge necessary, for suppressing the insurgents on the Eastern Shore ||of Maryland,|| and desire him to order the officers, employed in the recruiting service, to apply themselves diligently to that business.

[1] The letter of the Maryland Council is in the *Papers of the Continental Congress*, No. 70, folio 147.

[2] A petition from William Pigot is in the *Papers of the Continental Congress*, No. 42, VI, folio 132. He and James Horn applied for a flag of truce, on February 10, 1777. Same volume, folio 136.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.[1]

TUESDAY, FEBRUARY 11, 1777

A letter, of the 6, from General Mifflin, was read;[2] Whereupon,

Resolved, That 450,000 dollars be sent to General Mifflin, in lieu of a like sum ordered to be paid him by a draught on Mr. T. Smith, commissioner of the loan office, in the State of Pensylvania; and that the Board of Treasury use their utmost endeavours in preparing and forwarding this sum.

[1] "Of the political principle of the respective States I am not yet able to speak very clearly, for they are kept as mnch as possible out of view. I conjecture, however, that all are under some apprehensions of combination in the Eastern States to derive to themselves every possible advantage from the present war, at the expense of the rest. I am not yet satisfied that there is any combination amongst them. I rather think that they only combine when they have one common interest, which is seldom the case, and I am sure this is not peculiar to them. On some late questions I observed they divided: one was relative to the interest to be paid on loans, another relative to the meeting of several States. In the sequel of this letter I mean to give you an abstract of the debates on these questions, and therefore shall say no more of them here. But, sir, I am more concerned to find that Pennsylvania, Maryland, Jersey and some others are exceedingly jealons of the states whose bounds to the westward are yet unascertained, and I am mnch mistaken if they do not upon all occasions endeavour to fix very extensive power in a mere majority of Congress in order to get resolutions unfavorable to the claims of snch states entered into. To be more explicit, I believe they will endeavour by degrees to make the authority of Congress very extensive, and when it shall be fully established and acknowledged, to make such a party in it as will pass resolves injurious to the rights of those states who claim to the South Seas. You will see by some matters in the abstract of debate which I shall snbjoin that this conjecture is not quite void of foundation. I am clearly of opinion at all events that those states who, like ours, have such claims should be explicit in declaring they will give no power to their Delegates to bind them in any thing that regards their Bounds. I am not yet able to be particular with respect to the measures intended to be pursued." *Thomas Burke to Governor Caswell*, Baltimore, 10 February, 1777. *North Carolina Colonial Records*, XI, 376.

[2] This letter is in the *Papers of the Continental Congress*, No. 161, folio 6.

Resolved, That a committee of seven be appointed to devise ways and means of supporting the credit of the continental currency, and supplying the treasury with money:

The members chosen, Mr. [Benjamin] Harrison, Mr. [Thomas] Burke, Mr. [Roger] Sherman, Mr. [Samuel] Chase, Mr. [William] Ellery, Mr. [Arthur] Middleton, and Mr. [Nathan] Brownson.

Resolved, That James Franklin and William Gibson be appointed signers of the bills of credit, in addition to those already appointed.

Resolved, That four members be added to the salt-petre committee:

The members chosen, Mr. [Mann] Page, Mr. [Matthew]Thornton, Mr. [Jonathan] Elmer, and Mr. [Thomas] Burke.

The Board of Treasury, to whom was referred the petition of Colonel Duggan, brought in a report, which was taken into consideration; Whereupon,

Resolved, That so much of the said petition as relates to the pay and subsistence of Colonel Duggan, be referred to the commanding officer in the northern department.

Information being given to Congress, that sundry officers complain of the conduct of Colonel Haussegger,

Resolved, That the Board of War enquire into the nature of the charges against Colonel Haussegger, and transmit the same to General Washington, with the names of the informants and witnesses to support the charges, and desire him to take speedy and effectual measures for bringing the said Colonel Haussegger to trial.

The Committee of Treasury reported, that there is due to Captain William Galbreath, for the hire of a guard on the Carolina prisoners in Baltimore, the sum of £47 5 7 1/2, and for the allowance of prisoners, being thirteen in

number, 17 days, from the 25 January to the 11 February, inclusive, at 15/ per week, £23 13 5, both sums being £70 19, equal to 189 18/90 dollars:

To Thomas Rutter, for the expences of his guard of 11 men, himself included, in conducting prisoners from Baltimore to Leesburg, [£26 8.7=] 70 43/90 dollars:

To William Levely, inn keeper, for entertaining Hessian officers and their servants while they were in Baltimore, [£15.1=] 40 12/90 dollars:

To Charles Jones, quarter master of the 7th Virginia regiment, for the hire of two teams, in bringing baggage to Baltimore, as per account, [£27.12.1½=] 73 55½/90 dollars:[1]

Ordered, That the said accounts be paid.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, FEBRUARY 12, 1777

A letter, of the 6, from the council of safety of Pensylvania, was read:[2]

Ordered, That it be referred to the Board of Treasury.

Resolved, That John Barney and Hans Creery be appointed signers of the bills of credit, in addition to those already appointed.

Resolved, That a committee of three be appointed to consider the most effectual means of discouraging and preventing desertions from the army:

The members ||chosen,|| Mr. [Samuel] Chase, Mr.

[1] This report is in the *Papers of the Continental Congress*, No. 136, I, folio 29.

[2] This letter is in the *Papers of the Continental Congress*, No. 69, I, folio 327.

[Jonathan Dickinson] Sergeant, and Mr. R[ichard] H[enry] Lee.[1]

The Board of War brought in a report, which was taken into consideration: Whereupon,

Resolved, That a copy of the letter from Southy Simpson, written by direction of the committees of Accomac and Northampton counties, in Virginia, be sent to the governor and council of that State; and that they be desired to station in those counties, two companies of the troops raised for the particular defence of their State; and, in case such companies cannot be spared, General Lewis is directed to send over two companies of continental troops.

Resolved, That the second paragraph in the report, be re-committed to the committee above appointed ||on desertions.||

Resolved, That General Waterbury be referred to the commissioners for settling the continental accounts in the eastern department, for a settlement of his account of monies expended on account of an intended expedition against the tories on Long Island.

Resolved, That General Schuyler be empowered to make the most advantageous use of the salt springs mentioned in his letter of the 23 January last; employ proper persons, skilled in making salt, and purchase boilers and other things necessary for the purpose:

That such parts of the said letter as relate to Indian affairs, be referred to the committee on Indian affairs.

||*Resolved*,|| That General Washington be impowered to settle all matters of rank and pay among the officers of the Virginia and [Maryland] regiments, and fill up

[1] On the report of the Board of War, in *Papers of the Continental Congress*, No. 147, I, folio 79, is recorded the vote for this Committee: Chase, 9; Sergeant, 5; Burke, 3; Lovell, 2; R. H. Lee, 5; J. Adams, 2; Clark, 1.

and date their commissions as he shall think just and proper; [and that he also settle any disputes that may arise in the army respecting rank.][1]

Resolved, That 8,000 dollars be advanced to Mr. Thomas Cummings, commissary of provisions, for the purpose of supplying the troops going on the expedition to Somerset and Worcester counties; and 1,500 dollars to Colonel Henry Hollingsworth, for supplying the troops marching thro' the Head of Elk to join General Washington:[2]

That 6,000 dollars be advanced to Colonel M'Clenaghan, of the 7th batallion of Virginia troops, for the purpose of reinlisting his men for three years, and recruiting his batallion.

Ordered, That the Medical Committee write to General Washington, and consult him on the propriety and expediency of causing such of the troops in his army, as have not had the small pox, to be inoculated, and recommend that measure to him, if it can be done consistent with the public safety, and good of the service.

Resolved, That Mr. Babcock, who brought a letter from Colonel Stewart, at Lebanon, in Connecticut, respecting cannon, and other public business, be paid as an express.[3]

The Committee of Treasury reported, that there is due to Charles Jones, quarter master of the 7th Virginia regiment, for forage supplied by him to the waggon horses attending the said regiment on their march to Baltimore, [£22.5.11=] 59 41/90 dollars:

That they have examined the account of William Bausman, barrack master, at Lancaster, being for sundry supplies of wood, &c. and for his and his son's pay, amounting to £773 1 10, of which he received £500 from the

[1] This report, in the writing of Richard Peters, is in the *Papers of the Continental Congress*, No. 147, I, folio 79. The words in brackets were inserted by John Hancock.

[2] This report, in the writing of Richard Peters, is in No. 147, I, folio 81.

[3] In the margin John Hancock wrote: "105½ dollars, 400 miles, and for his detention."

committee of Lancaster county, and £30 from the State of Pensylvania, and there remains a balance due him of £243 1 10, equal to 648 22/90 dollars.[1]

Ordered, That the same be paid.

The Committee on the affairs in the northern department, laid before Congress a letter from Colonel Stewart, who was sent, agreeable to the order of Congress, to procure cannon at Mr. Livingston's and Salisbury founderies, wherein he informs, that there is a quantity of cannon at Salisbury foundery, ~~unengaged~~ which the governor and council of Connecticut are willing to dispose of to the Continent, but demand the price of 70 pounds lawful money, per ton, for 18 and 9 pounders; and 80 pounds lawful ||money,|| per ton, for 6 pounders, 4 pounders, and 3 pounders:

Ordered, That the committee aforesaid write to Governor Trumbull, inform him of the contracts entered into by Congress; state to him the prejudice it will do to those contracts, and the ill effects that must ensue to the Continent, should so high a price be given for these cannon; and, therefore, request him to lend the cannon which are much wanted for the defence of Ticonderoga, and assure him Congress will ~~replace~~ return them, or others in lieu of them, as soon as possible.

Resolved, That Clement Brook and William Hammond, be appointed signers of the bills of credit, in addition to those already appointed.

Congress took into consideration the report from the Committee of the Whole, and the report from the committee appointed to consider the proceedings of the committee from the four New England States, met at Providence, Wednesday, 25 December, 1776, and by adjournments to January 2, 1777, and after debate the

[1] This report is in the *Papers of the Continental Congress*, No. 136, I, folio 31.

Congress came to no resolution on the report from the Committee of the Whole.[1]

||*Resolved*, That the farther consideration thereof be postponed.||

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

THURSDAY, FEBRUARY 13, 1777

Resolved, That 15,000 dollars be advanced to Mr. Jonathan Hudson for public service; he to be accountable.

Resolved, That Saturday next be assigned to taking into consideration the propriety of appointing commissioners for auditing and settling the accounts of the several States against the Continent, and of such of the said States as

[1] A letter from a Committee of the House of Representatives, Massachusetts Bay, dated February 8, 1777, and signed James Sullivan, stating the action of the House on prices, is in the *Papers of the Continental Congress*, No. 65, 1, folio 183.

February 12. "Maryland and Pennsylvania were very solicitous to procure a vote of Congress, approving a meeting lately held by committees appointed by the four New England Governments, to the end that this approbation might imply a right to disapprove. It occasioned very long and interesting debates. At length the general opinion was that Congress had necessarily a right to inquire into the cause of any meeting and to require to know what was transacted at any such meetings, and also to require an explanation of anything that was dubious, and satisfaction for anything that was alarming to the whole, or any one of the States; that this right necessarily existed in their power to take care each for his respective State that no injury happened to her from without. But that Congress had no right to prohibit meetings, or censure them if the transactions in them were not injurious to others. The delegate of North Carolina refused to say what his State could not do, declaring he thought she could do every thing which she had not precluded herself from by plain and express declaration: to yield up any of her rights was not in his power, and very far from his inclination: that by the Law of Nations she had a right to demand a satisfactory account and explanation of any transaction of one or more States, and she had appointed him to watch lest any injury should come to her from without. In this he would use his best endeavours. The question put, the approbation was denied, many voting against it lest its ambiguity should create further disputes; of this number was North Carolina." *Burke's Abstract of Debates. North Carolina Colonial Records*, XI, 389.

have received public money in the eastern and middle departments.

Resolved, That James Walker, Horatio Johnson, and John Taylor, be appointed signers of the bills of credit, in addition to those already appointed.

Resolved, That 2,000 dollars be paid to Benjamin Crocket, and charged to the account of Colonel Moses Hazen, for the use of the batallion under his command, the same being in full of an order of Lieutenant Colonel Edward Antil, in favour of the said B. Crocket, dated Wilmington, February, 1777.

Resolved, That 100,000 ||dollars|| be advanced to the council of safety of Pensylvania for the recruiting service; the said State to be accountable.

The committee on promoting the manufacture of salt petre, reported,

"That they have had a conference with Jacob Robsamen; from which it appears, that he has been very usefully employed for one year, next preceding the 25 of December past, in the State of Virginia, in the manufacture of salt petre, and the instruction of all persons applying to him in the process of making salt petre, under a contract for that purpose with this committee: that, in the execution of this business, he has received nothing more than his expences; and that it is the opinion of this committee, that he is entitled to a further reward;" Whereupon,

Resolved, That there be paid to the said Jacob Robsamen, the sum of 600 dollars, as a compensation for his extraordinary services in the prosecution of this important business.

The Committee of Indian affairs, to whom a petition from divers inhabitants of the county of Westmoreland, in

Pensylvania, and a letter from Thomas Cressap, of Maryland, were referred, brought in a report, which was taken into consideration; Whereupon,

Resolved, That it would be improper and inexpedient to raise at present any more companies for the defence of the western frontiers, as there appears to be no immediate danger of an Indian war.

A letter, of the 12, from the council of safety of Maryland, was read.[1]

The committee ~~appointed to confer with~~ to whom was referred the memorial of Colonel Campbell, made a verbal report; Whereupon,

Resolved, That the commissioners for auditing accounts in the northern department, be directed to make enquiry concerning the loss of Colonel Campbell's baggage, in the retreat of the army from Quebec, and to report to Congress a state of the facts and the evidence relating to them.

Resolved, That, Colonel Campbell be continued in his former pay and rank; that he be directed immediately to repair to the commissioners for ||auditing and|| settling the accounts of the northern army, and settle with them the accounts of his late department.

Resolved, That copy of the letter from General Lee, of the ——,[2] relating to Captain ~~George~~ Gibson, be sent to General Washington, and that Captain Gibson be recommended to the general for promotion in the army of the United States.

The Committee of Treasury reported, that there is due

To George M'Candles, for entertaining the Virginia light horse on their march to join General Washington, [£25.0.6=] 66 66/90 dollars:

[1] This letter is in the *Papers of the Continental Congress*, No. 70, folio 163.

[2] December 11, 1776.

To Jacob Myers, for entertaining the Virginia light horse, on their march to join General Washington, and for waggonage, his extraordinary expences and trouble, and taking care of the sick, the sum of [£164.18.9=] 439 75/90 dollars:

To Captain Henry Sheaff, for the pay of a guard of militia over the prisoners, from the 24th December, to the 3d of February, [£44.9.6=] 118 54/90 dollars:

To Robert Jewell, for maintaining prisoners in the new gaol of Philadelphia, and for the salary of himself and his two assistants, to the 24th January, [£287.11.7=] 766 79/90 dollars:

To John Griffiths, for sundry supplies of provisions, wood, &c. in the guard house and prison for prisoners, and for cash he paid for the support of Carolina prisoners in Baltimore, 301 15/90 dollars:

To John Gibson, Esq. for cash he paid to Michael Watman, for the hire of his waggon, bringing paper for continental money from Philadelphia to Baltimore, the sum of 38 6/90 dollars.

To Daniel Grant, for provisions, firing, &c. to a guard over the treasury, nine days, by order of the Board of Treasury at Baltimore, 22 26/90 dollars:[1]

Ordered, That the said accounts be paid.

The Committee on Deserters, brought in a report, which was read.

Whereas several Soldiers and Mariners duly enlisted in the service of the United States do afterwards desert, and are often found wandering, or otherwise absenting themselves illegally from the service. *Resolved* that it be recommended to the Legislatures of the several States to provide as soon as possible by Law, that it shall and may be lawful to and for any constable, freeholder, or Keeper of any public ferry within any of the United States, to apprehend or cause to be

[1] This report is in the *Papers of the Continental Congress*, No. 136, 1, folio 33.

apprehended, any person ~~suspected of~~ being a deserter, and cause such person to be brought before any Justice of the peace, living in or near the place where such person shall be taken, who shall have power to examine such ~~suspected~~ person, and if by his confession, or the testimony of one or more credible witness or witnesses, upon oath, or by the knowledge of such Justice it shall appear, that such ~~suspected~~ person is an enlisted soldier, or mariner, and ought to be with the company, troop, crew, or vessel, to which he belongs, such Justice shall forthwith cause him to be conveyed to any the nearest commissioned officer, of the Land or Sea Service, as the case may be, or to the public Goal of the County or place, where such deserter shall be apprehended, and shall immediately transmit an account thereof to the Secretary of War, for the time being, and to the Commanding officer of such Deserter, and for the better encouragement of any person or persons to apprehend and secure such deserter, that such Justice shall give to the person who shall apprehend and bring such Deserter, after Conviction, a certificate expressing the service and the distance such deserter shall be brought, which certificate shall entitle the Bearer to the reward of five Dollars for the apprehending such deserter, and twelve ninetieths of a Dollar for every mile therein expressed, and any person who shall convey and deliver such deserter to the Officer, or goal as aforesaid, shall also receive the same mileage; and the said reward, and mileage shall be paid by the officer, sheriff or goaler to whom such deserter shall be delivered, and the Sheriff or goaler shall be reimbursed the money by him paid by his State, together with the expence of advertising such Deserter, and one fifth of a Dollar per day for his maintenance, to be charged to the Continent; and the Sheriff or goaler shall immediately publish the name of the deserter and the company, Regiment, or vessel to which he belongs in some one of the Newspapers of his State for four successive weeks.

Whereas the mode heretofore recommended to prevent the harboring deserters, and the purchasing from them their arms, or cloathes hath not proved effectual to abolish so pernicious a practice:

Resolved, that it be recommended to the Legislatures of the several States to provide as soon as possible, by law, That if any person shall harbor conceal or assist any deserter from the land or Sea Service, knowing him to be such, the person so offending shall forfeit for every such offence, ten dollars, or if any person shall knowingly detain, buy or exchange, or otherwise receive, any arms, horse, cloaths or other furniture, belonging to the United States, from any soldier, trooper,

mariner, deserter, or any other person, under any pretence, or shall cause the colour of such clothes to be changed, or the mark or brand, of such horse to be altered, the person so offending shall forfeit, for every such offence, ten dollars, and upon conviction, by the oath of one or more credible witness or witnesses, before any one justice of the peace of the City, County, Town or place, where the offence shall be committed, the said respective penalties shall be levied by warrant from the Justice, to any constable, by distress and sale of the goods and chattels of the offender, one moiety of the penalty to be paid to the informer, and the residue to the officer to whom any such Deserter, soldier, trooper, or mariner did belong, and where no informer, the whole thereof to the officer, and if any such offender, convicted as aforesaid, shall not have sufficient goods and chattles whereon distress may be made for the penalty, or shall not pay the same within four days after such conviction, in such case such justice may and shall, by warrant, either commit such offender to the common goal there to remain without bail not exceeding three months, or may cause such offender to be publicly whipt, not exceeding thirty nine stripes, at the discretion of such justice; and that if any commissioned officer, constable, or other person shall break open any dwelling House, or outhouse under pretence to search for deserters, without warrant from a Justice of the peace, which such Justice shall grant, such offender, if no deserter shall be found therein, shall forfeit twenty Dollars, to be awarded by any Justice, and levied on the offenders person, goods, or chattels.

Whereas it may be some time before adequate laws, for the apprehending deserters, and punishing persons concealing them, can be framed, arising from the recess of some Legislatures, and the distance of others:[1] To the end that the most speedy stop may be put to the pernicious and unsoldierly practice of deserting, and that such offenders, who receive the public money for services, that they design not to perform, may be certainly and speedily carried back to the corps they have deserted from, It is earnestly recommended to the Committees of observation or inspection in these United States, that they cause diligent enquiry to be made, in their respective Counties or Districts, for all Deserters that may be lurking and harboured therein and cause such, whenever found, to be immediately secured and conveyed to the nearest Continental officer, and all such officers are hereby directed to receive and secure such deserters that they may be safely delivered to

[1] The foregoing postponed.

their respective Regiments, and brought to a speedy trial and exemplary punishment.

~~Resolved that no officer under the Rank of a Captain or Commanding officer of a troop or Company, shall grant a furlough, and then only with the approbation of his Field Officer, signified by his counter signing thereof, no furlough shall be granted for above two months, and the officer granting the same shall express the name and time, and cause of absence, and make due return thereof to the Adjutant General.~~

Ordered, That the foregoing Resolve, and the first second and third article of the sixth section of the articles of war, be published in the several Newspapers for six months, and also that three hundred copies be printed in Hand bills, and sent to camp to be distributed among the officers.[1]

Congress resumed the consideration of the report of the committee appointed to consider the proceedings of the committee from the four New England states ~~but came to no resolutions thereupon~~; and, after debate,

Resolved, That the farther consideration thereof be postponed till to morrow.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

FRIDAY, FEBRUARY 14, 1777

A memorial from Thomas Erwing, of Baltimore, was read:

Ordered, That it be referred to the Secret Committee.

~~Resolved~~ *Ordered*, that the Secretary enter on the Journals every morning, the time when each of the States is first represented for that day, if later than 10 o'Clock.

The Medical Committee brought in a report, which was read:

[1] This report, in the writing of a clerk, is in the *Papers of the Continental Congress*, No. 21, folio 53. See under February 25, *post*.

Ordered, To lie on the table, and that the same be taken into consideration to morrow.

Resolved, That Mr. R[obert] T[reat] Paine be desired ||empowered and directed|| to contract with Colonel Gridley, for forty 8-inch iron howitzers, upon terms that he shall judge reasonable, and cause ten of them to be mounted, and sent to Ticonderoga.

Ordered, That the Board of Treasury direct the managers of the lottery, to send, with all expedition, tickets of the first class to the several States.

Resolved, That 500 dollars be advanced to Captain Antoine Selin, towards raising Major Ottendorf's corps, and ||that the same be|| charged to the account of the said Major Ottendorf.

The Board of War brought in a report, which was read:

At a Board of War *11th February 1777*

The Board of War having taken into Consideration the Subject of the Conference which they had, by Direction of Congress, with Brigadier General Armstrong, have agreed to the following Report thereupon.

That a Circular Letter be written to the several States, setting forth the absolute Necessity of having a strong Army to take the Field at the Beginning of next Campaign, and recommending it to them in the warmest Manner, to pursue every Means in their Power in order to forward the recruiting Service.

Agreed — That the several States be requested to take the most effectual steps for collecting from the Inhabitants not in actual service all Continental Arms, and give notice of the number they shall collect to Gen. Washington.

Agreed — That all Arms or Accoutrements belonging to the United States, shall be stamped or marked with the Words United States: All Arms already made to be stamped on such Parts as will receive the Impression; and those hereafter to be manufactured to be stamped with the said Words on every Part composing the Stand; and all Arms and Accoutrements so stamped or marked, shall be taken wherever found, for the Use of the States,

except they shall be in the Hands of those actually in Continental Service.

That it be recommended to the Legislatures of the several States to enact proper Laws for the Punishment of those, who shall unlawfully take, secret, refuse or neglect to deliver any Continental Arms or Accoutrements which they may have in their Possession.

Agreed

That the several States be requested and impowered to borrow or purchase on behalf of the Continent, from the Militia within the said States respectively, as many good and sufficient Arms as can possibly be procured.

Agreed

That the Clothier General be directed to employ proper Persons in the different States, Counties, and Districts in purchasing at such Prices as he shall fix, such Articles as are necessary and fit for the cloathing the Troops.

That a Commissary General of Provisions be appointed, with a Salary of , whose business it shall be to inspect, receive, store, and issue all Provisions for the Army, and for all Posts and Detachments: and to render annually an Account to Congress of every Ration issued with the vouchers, as if the same were to be paid by the Ration.

That a Director of Magazines and of the purchase of Provisions be appointed, who shall nominate an Agent in each State where Magazines are to be erected, with Power to employ at a Commission of p^r Cent, proper Persons to purchase Provisions at Prices to be from time to time limited by the said Agent; each Purchaser to make Return to the Agent, the Agent to the Director, and the Director to the Commissary General monthly: the Agents to be allowed

That all Troops and Armed Vessels and Cargoes for exportation be supplied from those Magazines at first Cost and Charges on Application to, and Permission from the Director or Agent.

That the Commissary and Director General be appointed by the Commander in Chief, and under his Direction.

That the Director General draw all Monies for the purchase of Provisions, and render an Account thereof to Congress, with a Return of the stores on hand, at the same time that the Commissary General shall render an Account of Rations issued.

That the Director General be allowed

That Forage be put under similar Regulations under the superintending of the Quarter Master General

Agreed ~~That 500 Dollars be advanced to Captain Antonie Selin on account toward raising Major Ottendorff's Corps.~~[1]

At a Board of War *Feb.y 14th 1777*

Agreed to report to Congress,

That Mr Commissary Aylett's request to have a Clerk allowed him is reasonable and ought to be agreed to.

That the Pay of the following Officers in the Staff be raised.

Former Pay				
40	raised	10.	Deputy Quartermaster General raised to	50 Dollars
$33\frac{1}{3}$	"	$6\frac{2}{3}$	Chaplain " "	40
$26\frac{2}{3}$	"	$3\frac{1}{3}$.	Assistant Deputy Pay Master	30
Do		do	Quarter Master	30
Do		do	Regimental Pay Master	30
50	"	10	Deputy Pay Master General	60[2]

Ordered, To lie on the table.

A letter, of the 5, from General Washington, at Morris town was read; and referred to the Board of War.[3]

Congress resumed the consideration of the report of the committee on the proceedings of the committees from the four New England States, and after debate,

Resolved, That it be re-committed.[4]

[1] This report is in the *Papers of the Continental Congress*, No. 147, I, folio 75.

[2] This report, in the writing of Richard Peters, is in the *Papers of the Continental Congress*, No. 147, I, folio 83. On the back is noted 8 negative votes.

[3] This letter is in the *Papers of the Continental Congress*, No. 152, III, folio 517. Printed in *Writings of Washington* (Ford), V, 218.

[4] "Yesterday was consumed in desultory debates upon a report of a special committee upon the proceedings of the four New England Governments above mentioned, and it was recommitted. This day it was brought in under a form agreeable to what was the sense of the House on what was yesterday considered. At first it expressed the opinion of Congress, that the proceedings were founded in justice, policy and necessity, and merited the warmest approbation. The second declared neither approbation or opinion, except particularly relating to the New England Governments, because of their peculiar circumstances, but proposed laying it before the other States for their imitation if they thought proper, avoiding as much as possible any expression that might suggest to the States that Congress approved or disapproved. In this form it passed without a negative, and it was voted that several States should be advised to confer with each other on this subject: viz: New York, New Jersey, Pennsylvania, Maryland, and Virginia: North Carolina, South Carolina and Georgia. Nothing very remarkable happened in this debate except that Virginia insisted on being connected with Maryland, and refused to be connected with

Dr. [Jonathan] Elmer requests leave of absence, public business requiring his attendance at home.

Resolved, That leave be granted.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

the Southern States. The delegates present from Virginia were Richard Henry Lee, Francis Lightfoot Lee and Man. Page, all residing on Rapahanock and Potomack rivers. The Delegates from North Carolina represented that great part of the exportation of North Carolina was through Virginia, that her market was therefore in that State, and that she ought undoubtedly to be consulted in regulating the prices since she was so much interested therein that it was unjust and ungenerous in Virginia to endeavour to regulate them without her, and evidently shewed she was willing to do what would affect the interest of North Carolina without her knowledge or consent. Virginia persisted, and the vote passed for her conferring with Maryland &c. The question was now proposed for the conference of the Southern States; the Delegates opposed it, alledging that their articles of exportation would be always very low, by reason of the danger and difficulty of exporting: that none had provisions to spare but North Carolina, and her market for them being chiefly to Virginia she was precluded from regulation in that article by the regulation made in Virginia, of which as she would have no notice she could not accomodate herself thereto, and her Delegate declared she had too much vigilance and sagacity to make regulation since it might preclude her from taking advantage of circumstances to defend herself from the injustice of her neighbor Virginia: that since Virginia chose to confer with other States in making regulations which might affect North Carolina, and refused to confer with her where her interest was so nearly concerned, Virginia was entitled to no attention from North Carolina, and she ought to have it in the power of her citizens to avail themselves of all advantages which circumstances might throw in their way. The question put, all voted for the conference of the Southern States except their own Delegates. R. H. Lee privately told the Delegate from North Carolina that he need not be disturbed on this occasion, because Virginia could make no regulation but what must affect herself. The Delegate replied that it was arrogantly assuming to judge of her affairs, and affect them without her consent: it was taking advantage of her situation to be arbiter of the commerce of North Carolina, and it was shewing an entire disregard to her interest and circumstances, and leaving them entirely to depend on the decisions of the Northern States, without even being consulted. The Delegate declared he thought this such an instance of contempt and disregard in Virginia, that he could not but receive it with indignation." *Burke's Abstract of Debates. North Carolina Colonial Records*, XI, 391.

"At present, nothing but executive business is done, except the Confederation, and on mere executive business there are seldom any debates; (and still more seldom any worth remembering.) We have agreed to three articles: one containing the name: the second a declaration of the sovereignty of the States, and an express provision that they be considered as retaining every power not expressly delegated; and the third an agreement mutually to assist each other against every enemy. The first

SATURDAY, FEBRUARY 15, 1777

A letter, of the 10, from Governor Henry, was read, and referred to the Board of War.[1]

and latter passed without opposition or dissent, the second occasioned two days debate. It stood originally the third article; and expressed only a reservation of the power of regulating the internal police, and consequently resigned every other power. It appeared to me that this was not what the States expected, and, I thought, it left it in the power of the future Congress or General Council to explain away every right belonging to the States and to make their own power as unlimited as they please. I proposed, therefore an amendment, which held up the principle, that all sovereign power was in the States separately, and that particular acts of it, which should be expressly enumerated, would be exercised in conjunction, and not otherwise; but that in all things else each State would exercise all the rights and power of sovereignty, uncontrolled. This was at first so little understood that it was some time before it was seconded, and South Carolina first took it up. The opposition was made by Mr. Wilson of Pennsylvania, and Mr. R. H. Lee of Virginia: in the end, however, the question was carried for my proposition, eleven ayes, one no, and one divided. The no was Virginia; the divided, New Hampshire. I was much pleased to find the opinion of accumulating powers to Congress so little supported, and I promise myself, in the whole business I shall find my ideas relative thereto nearly similar to those of most of the States. In a word, Sir, I am of opinion, the Congress should have power enough to call out and apply the common strength for the common defense: but not for the partial purposes of ambition. We shall next proceed to the structure of the common Councils; and here, I think, we shall meet with difficulties of the most ardnous nature. The inequality of the States, and yet the necessity of maintaining their separate independence, will occasion dilemmas almost inextricable. You shall, Sir, know the whole progress of the matter if I can conceive and convey it with sufficient clearness." *Thomas Burke to Governor Caswell*, 29 April, 1777. *North Carolina Colonial Records*, XI, 461.

"Since my last we have made no progress in the business of Confederation. A difficulty occurs, which, I fear, will be insuperable: that is how to secure to each State its separate independence, and give each its proper weight in the public Councils. So unequal as the States are, it will be nearly impossible to effect this: and after all it is far from improbable that the only Confederation will be a defensive Alliance. Nothing of importance has been determined in Congress, except what is merely executory.

"In one of my letters I believe I mentioned that Georgia was of no use in Congress but to vote with Connecticut. This was owing I believe to this circumstance, only one Delegate was then present, who is by birth a Connecticut man. Since then a Mr. Walton has given his attendance, which was before interrupted by illness; and I perceive that Georgia is now frequently divided when any question related to Colonial politics, so that these two Delegates are of different principles or different judgments." *Thomas Burke to Governor Caswell*, 23 May, 1777. *North Carolina Colonial Records*, XI, 477.

[1] A letter of the 11th is in the *Papers of the Continental Congress*, No. 71, I, folio 109.

Resolved, That the copy of General Howe's letter, which was enclosed in General Washington's letter of the 5, be referred to the committee appointed to enquire into the conduct of the British and Hessian generals and officers.

The committee to whom was re-committed the report on the proceedings of the ||committees from the|| four New England States, brought in their ||another|| report, which was taken into consideration: Whereupon,

Resolved, That considering the situation of the New England States, Congress approve of the measures adopted and recommended by the committee from the four New England States, for the defence of the State of Rhode Island; and also of the measures to be taken for preventing the depreciation of their currency, except that part which recommends the striking bills bearing interest, which, being a measure tending to depreciate the continental and other currencies, ought not to be adopted, and it is so recommended by Congress to the said New England states:

That the plan for regulating the price of labour, of manufactures and of internal produce within those states, and of goods imported from foreign parts, except military stores, be referred to the consideration of the other united States: and that it be recommended to them, to adopt such measures, as they shall think most expedient to remedy the evils occasioned by the present fluctuating and exorbitant prices of the articles aforesaid:

That, for this purpose, it be recommended to the legislatures, or, in their recess, to the executive powers of the States of New York, New Jersey, Pensylvania, Delaware, Maryland, and Virginia, to appoint commissioners to meet at York town, in Pensylvania, on the 3d Monday in March next, to consider of, and form a system of regulation adapted to those States, to be laid before the respective legislatures of each State, for their approbation:

That, for the like purpose, it be recommended to the legislatures, or executive powers in the recess of the legislatures of the States of North Carolina, South Carolina, and Georgia, to appoint commissioners to meet at Charlestown, in South Carolina, on the first Monday in May next:

That it be recommended to the legislatures of the several States, to take the most effectual measures for manning the continental frigates, fitted for the sea in their respective States:

That it be earnestly recommended to the united States, to avoid, as far as possible, further emissions of paper money, and to take the most effectual measures for speedily drawing in and sinking their paper currency already emitted:

That such parts of the proceedings of the said committees ||from the four New England states,|| as relate to the price of labour and other things, be published and transmitted to the other States, together with these resolutions:

The Committee of Treasury reported,

That there is due to William Lavely, for entertaining a party of the Virginia light horse, on their march to General Washington [£5 9=] 14 48/90 dollars.

That there should be paid to the Honourable Mann Page, on account of Henry Baker, for provisions supplied by him to Captain Morgan's company, of Virginia, in July, 1775, the sum of [£16 17 4 Virginia currency=] 56 20/90 dollars:

That there should be paid to Peter Kemp, for a waggon horse, that was ~~employed~~ impressed in public service, and died on his return from Philadelphia, where he had been with baggage belonging to the Virginia troops, the sum of [£30=] 80 dollars:

That there should be advanced to the hon^ble^ Board of War, 500 dollars for the public service; they to be accountable:[1]

Ordered, That the said accounts be paid.

Resolved, That 1,500 dollars be advanced to Gerard Hopkins, son of Richard, quarter master in Baltimore, for public service; he to be accountable.

A letter, of the 10, from James Horn, a prisoner, was read:

Ordered, That it be referred to the Marine Committee, who are impowered to do therein what they shall judge proper.

The Secret Committee having informed Congress, that their agents in the eastern States, have, by their order in pursuance of the directions of Congress, purchased a quantity of cloathing for the army, to the amount of thirty six thousand pounds, lawful money.

Resolved, That 120,000 dollars be advanced to the Secret Committee, to pay for the said goods, the said committee to be accountable.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock on Monday.

MONDAY, FEBRUARY 17, 1777

A letter, of the 13, from the committee of Congress, at Philadelphia; one, of the 14, from Colonel Gist, enclosing a proclamation from the assembly of Maryland, ||were read.||[2]

The Committee for Indian affairs, to whom was committed a letter from General Schuyler, with sundry papers

[1] This report is in the *Papers of the Continental Congress*, No. 136, I, folio 35.

[2] The letter of the Philadelpia Committee is in the *Papers of the Continental Congress*, No. 137, *Appendix*, folio 155. That of Gist, is in No. 78, X, folio 63.

enclosed, brought in a report, which was taken into consideration; ||Whereupon,||

Resolved, That Congress do approve of the attention which General Schuyler has given to secure the friendship of the Six Indian Nations towards these States, and of the measures which he is taking to defeat the evil designs of our enemies, who, with unremitting cruelty, are endeavouring to precipitate these Indians into a war against us.

That 10,000 dollars be delivered out of the military chest in Albany, to the commissioners of Indian affairs for the northern department, who are directed to purchase therewith, in these united States, such Indian goods as may be proper, and distribute the same amongst the Indian nations in their department, in such manner as they shall judge most conducive to cultivate the peace and friendship of the said nations, and that the commissioners direct such persons as they shall employ to purchase the said goods, that they do not bid against others already employed in purchasing goods for these united States.

||On motion,|| *Resolved*, That the Marine Committee be impowered to advance twenty dollars to each seaman, who will enter to serve on board the *Lexington*, the same to be deducted out of their share of the prize money, arising from the captures made by the said *Lexington*.

Resolved, That a committee of five be appointed to revise the regulations of the post office, and report a plan of carrying it on, so as to render the conveyance of intelligence more expeditious and certain.

The members chosen, Mr. [Thomas] Heyward, Mr. J[ohn] Adams, Mr. [John] Witherspoon, Mr. R[ichard] H[enry] Lee, and Mr. S[amuel] Adams.

Resolved, That on Tuesday, the 25 instant, when Congress adjourn, it shall be adjourned from Baltimore to meet at Philadelphia.

Resolved, That a committee of three be appointed to consider the state and situation of the North Carolina prisoners, and report to Congress:

The members chosen, Mr. [John] Witherspoon, Mr. [Benjamin] Rumsey, and Mr. [Thomas] Burke.

Resolved, The report of the committee appointed to prepare a plan for suppressing the internal enemies of America, and preventing a communication of intelligence to our other enemies, be recommitted;

That two members be added to that committee:

The members chosen, Mr. [Samuel] Chase and Mr. [Elbridge] Gerry.

Resolved, That 20,000 dollars be paid to Colonel William Crawford for raising and equipping the regiment under his command, part of the Virginia new levies.

Resolved, That Mr. Aquila Norris be appointed a signer of the continental bills of credit, in addition to those already appointed,

Congress having this day received information that "the enemy meditate an expedition to the bay of Chesapeak the ensuing campaign," and "that the Eastern Shore is the first object or place of landing:"

Resolved, That the States of Virginia and Maryland be requested to take immediate, and the most effectual, measures that the stocks be removed from their respective Eastern Shore counties, and their adjacent islands, or so secured, that they may not fall into the enemy's hands, and that means the most effectual be taken to protect and secure the well affected inhabitants from the insults and plunder of the enemy.

Resolved, That the Marine Committee be directed to deliver the *Lexington*, when fitted for the sea and manned, to the order of the Committee of Secret Correspondence.

~~Resolved~~ *Ordered*, That the Secret Committee forward to the council of Massachusetts bay, a copy of the resolu-

tion of the 5 instant, ~~impowering them to apply to the Several States for the use of one of the armed vessels belonging to the respective States the Commissioners at the Court of France to send 80,000 blankets &c~~ requesting the several States to order their armed vessels into the service of the united States, under the direction of the Secret Committee; and that they request the said council to send at the expence of the Continent a trusty person, in one of the armed vessels belonging to their State, ~~with the said resolve, and bring back part~~, who shall take charge of such papers as shall be entrusted to him by the Secret Committee, and ~~who shall~~ govern himself agreeable to the orders he shall receive from the said Secret Committee.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

TUESDAY, FEBRUARY 18, 1777

Mr. [Thomas] Heyward, attending in his place, produced credentials of a new apointment, which were read as follows:

SOUTH-CAROLINA.

IN THE GENERAL ASSEMBLY,

The 10th Day of January, 1777.

The Members of the Legislative Council, and of this House jointly, voted for Delegates to represent this State in the Continental Congress;

And, the ballots being reckoned,

Mr. Speaker reported, that the Honourable Arthur Middleton, Thomas Heyward, jun. and Henry Laurens, Esqrs. having a Majority of Votes of the Members present, were duly elected.

IN THE GENERAL ASSEMBLY,

The 20th Day of January, 1777.

Resolved, Unanimously, That the Delegates of this State in the Continental Congress, already or hereafter to be elected, or a Majority

of such of them as shall, at any Time, be present in the said Congress, or any One of the said Delegates, if no more than One shall be present, be, and they and he are and is, hereby authorized and empowered for and in Behalf of this State, to concert, agree to, and execute every Measure which they or he, together with a Majority of the Continental Congress, shall judge necessary for the Defence, Security, Interest, or Welfare of this State in particular, and of America in general.

In the General Assembly,
The 21st Day of January, 1777.

The Members of both Houses proceeded to ballot jointly for Two more Delegates to represent this State in Continental Congress,

And the Ballots being cast up,

Mr. Speaker reported, that only the Honourable Charles Pinckney, Esq. of the Gentlemen that were ballotted for, had the Votes of a Majority of the Members present; Who was accordingly declared duly elected.

The Members of both Houses then proceeded to ballot for the other Delegate to the Continental Congress.

And the Votes being reckoned,

Mr. Speaker reported, that the Honourable Paul Trapier, jun. Esq. was duly elected by a Majority of the Ballots of the Members present.

True Extracts from the Journals.

Peter Timothy, *Cl. G. A.*[1]

A letter, of the 8th, from Mr. G. Walton and Mr. G. Taylor, at Durham, with a copy of the minutes of proceedings with the Indians, was read, and referred to the Committee on Indian Affairs.

A letter, of the 15th, from the committee of Congress, at Philadelphia; one, of the 22, and one, of the 25 of January, from the committee of safety for the state of New York, at Fishkill; one, of the 11th, from General Washington, at Morristown, with sundry letters from French officers; one, of the 28 January, from Brigadier [James] Moore, at Charlestown; one, of the 24th of the same month, from Brigadier Howe, at the same place, with sundry papers enclosed, were read:[2]

[1] The original is in the *Papers of the Continental Congress.* South Carolina, *Credentials of Delegates.*

[2] The letters from New York are in the *Papers of the Continental Congress,* No. 67, II, folios 17 and 21; that of Moore is in No. 78, XV, folio 163.

Ordered, That the letter from Brigadier Howe, with the papers enclosed, be referred to the delegates of South Carolina, North Carolina and Georgia.

||*Ordered*,|| That the letters from the council of safety of New York, be referred to the Board of War.

Resolved, That General Washington be directed to cause an enquiry to be made into the military abilities and conduct of the French gentlemen in the army, and how far they can be usefully employed in the service of these States, and to dismiss such of them as he shall find unworthy of commissions, or unable to render service in the military line.

Mr. [Samuel] Chase, a delegate from Maryland, attended, and produced the credentials of ||a new appointment of|| delegates from that State, which were read as follows:

In the House of Delegates, *February 15, 1777.*

On striking the joint Ballot of both Houses for Delegates to represent this State in Congress, a Majority appeared in favor of Samuel Chase, Benjamin Rumsey, William Smith, Charles Carroll, of Carrolton, Thomas Stone and William Paca, Esqrs. *Resolved, therefore*, That the said Samuel Chase, Benjamin Rumsey, William Smith, Charles Carroll, of Carrollton, Thomas Stone and William Paca, Esqrs. or any two or more of them, be Delegates to represent this State in Congress.

By Order, G. Duvall, *Clk. Ho. Del.*

By the Senate: Feby. 15th, 1777.

Read a first and second Time by an especial Order, and assented to.

By order, R. Ridgely, *Clk. S.*

Resolved, That Darby Lux and Daniel Carroll be appointed signers of the bills of credit, in addition to those already appointed.

The order of the day being called for, Congress proceeded to take into consideration the propriety of appointing an additional number of general officers; and, after debate,

Resolved, That an additional number of general officers be appointed.

Resolved, That three majors general be appointed.[1]

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, FEBRUARY 19, 1777

Resolved, That Colonel Campbell have leave to go to Virginia, to transact some ~~private~~ business relative to his own private affairs.

Resolved, That 6,000 dollars be paid to Christopher Richmond, and charged to the account of Brigadier W. Smallwood, for the purpose of paying off the arrearages

[1] "Several days of this week were consumed in debates on the appointment of General Officers. The debates were perplexed, inconclusive and irksome. The Delegates of several States were desirous of fixing a rule of promotion, and several were offered and rejected. Maryland, Virginia, and North Carolina desired that each State should recommend officers in proportion to the men they furnish: three Battalions, one Brigadier, nine [?], one Major General. This was rejected. It was then proposed, to promote General Officers as they stood in rank, and rejected. To all the rules a saving was added, that the Congress might deviate from any, in favour of merit eminently distinguished and generally acknowledged.

"North Carolina argued that some rule should be observed, and entered on the Journals. That the Congress would be an object of very jealous apprehension, unchecked and unlimited as it is, if the officers of the army held their honor at the precarious pleasure of a majority. Officers hold their honor the most dear of anything. Setting them aside when they were entitled to promotion would wound that honor very sorely. Their attention would therefore be entirely to that authority which had so much power to wound it, or to cherish it. This policy was always observed by monarchs, and the end was to keep the army dependent on them: but such policy was unbecoming in Congress, who ought to give no room for jealousy. The rule of succession is most familiar to officers, and therefore most agreeable to them: but the proportion would give greatest satisfaction to the States, and the satisfying them was of greatest importance and ought to be adopted.

"At length it was proposed to resolve, that regard be had to the rank, to the quota, and to merit. It was agreed to, but no notice was taken of it in the nomination or appointments. N. Carolina did not vote for Major Generals; because the delegate found, no rule was observed, and he knew nothing of the merit of any officers in nomination, and did not choose to give a vote in Congress, for which he could give no reason." *Burke's Abstract of Debates in Congress. North Carolina Colonial Records*, XI, 380.

due to the batallion and independent companies, serving last campaign, under brigadier general ||then colonel|| Smallwood's command, the same being in full of his draught in favour of said C. Richmond, dated Annapolis, 15 February, instant.

~~Congress proceeded on the election of general officers.~~

Resolved, That in voting for general officers, a due regard shall be had to the line of succession, the merit of the persons proposed, and the quota of troops raised, and to be raised, by each State.[1]

Resolved, That five major generals be appointed.

Resolved, That General Lewis be directed to order all the troops, raised in Virginia for the continental army, to march, immediately, by the nearest rout, in companies and parts of companies, to General Washington's army, proper officers being left behind to recruit the companies or corps that are deficient in numbers, and to bring up the recruits when raised.

Ordered, That the Secret Committee deliver out of the public stores, 120 yards of coarse duffels, to the captain of the *Lexington*, to supply the place of blankets for the men on board said vessel.

Congress proceeded to the election of ~~three~~ five majors general; and the ballots being taken, the following gentlemen were duly elected: Lord Stirling, Thomas Mifflin, Arthur St. Clair, Adam Stephen, Benjamin Lincoln.

Ordered, That Mr. Hudson pay Captain Jones, of the Virginia light horse, three months' pay, and the three privates with him, one months' pay, each, and transmit an account thereof to the pay master general.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

[1]This paragraph was published in the *Pennsylvania Packet*, 18 March, 1777.

THURSDAY, FEBRUARY 20, 1777

A letter, of the 14th, from General Washington, at Morristown, inclosing one, of the 9th, from General Lee, at New York, to General Washington, and one, of the 10th, from the same to Congress; three, of the 17th, from the committee of Congress at Philadelphia; one, of the 30 January, and one, of the 1st instant, from the council of Massachusetts bay; one, of the 30 January, from the committee of safety of New Hampshire; one, of the 3, from Governor Cooke, of Providence; one, of the 7, from Governor Trumbull; one, of the 14th, from General Washington, with sundry papers, relative to the hospital; one, of the 28 January, from General Art. Ward: and one, of the 2d from Colonel Wayne, were read.[1]

Resolved, That 500,000 dollars be sent to the pay master general, for the use of the army.

Ordered, That the letter from General Washington, with the papers relative to the hospital, be referred to the Medical Committee. That the other letters from the General and from the committee of Congress, and the States of Massachusetts bay, New Hampshire, Rhode Island, Connecticut, General Ward and Colonel A. Wayne be referred to the Board of War.

That the letters from General Lee lie on the table.

Resolved, That a committee of three be appointed to confer with Colonel Buchanan, on the subject of a contract for supplying the army with provisions:

The members chosen, Mr. [Roger] Sherman, Mr. [Elbridge] Gerry and Mr. William Smith.

[1] The letters of Washington are in the *Papers of the Continental Congress*, No. 152, III, folios 525 and 529. They are printed in *Writings of Washington* (Ford), V, 236, 240. A copy of Lee to Washington is in No. 158, folio 97, and Lee's letter is on folio 99 of the same volume. The Philadelphia committee's letters are in No. 137, *Appendix*, folios 159 and 163. Governor Cooke's letter is in No. 64, folio 370, and that of Governor Trumbull in No. 66, I, folio 285.

The committee, to whom the copy of the letter from General Howe to General Washington was referred, brought in a report, which was taken into consideration; ||Whereupon,||

Resolved, That the Board of War be directed immediately to order the five Hessian field officers and Lieutenant Colonel Campbell into safe and close custody; it being the unalterable resolution of Congress to retaliate on them the same punishment as may be inflicted on the person of General Lee:

That, to manifest to all the world how averse Congress are to this severe, but necessary measure, which alone can teach our cruel enemies to regard the laws of nations and the rights of humanity; and that Congress not only lament, but would willingly avoid the necessity of this just retaliation,

Ordered, That the Board of War transmit to each of the Hessian officers and Colonel Campbell, copies of the resolve of Congress of the 6th of January, of such part of General Washington's letter of the 13th, and of General Howe's answer thereto, of the 23 of January, as relates to General Lee: and inform those officers that the conduct of General Howe alone induces Congress to treat them in a manner so very different from that which has ever been shewn to all other the prisoners of war of these States; and that, if any of them think proper to write on this subject to the British or Hessian general, that the letter shall be transmitted by a flag.[1]

[1] "A Committee on a letter from General Howe to General Washington reported, that five Hessian Field Officers, and a Col. Campbell should be confined in order for retaliation, and that they should have copies of the resolutions and letters relative to this matter, in order to manifest the reluctance of Congress to this severity; which became necessary, being the only means whereby they could teach their enemies to regard the Law of Nations and the rights of humanity. Some severe epithets were prefixed to enemies in the report, and they were objected to as unbecoming the dignity of Congress. A debate ensued in which some Gentleman

Resolved, That the president write to General Gates, and inform him, it is the earnest desire of Congress, that he should resume the office of adjutant general, and that his present rank and pay shall be continued to him.

The committee on ways and means for supplying the treasury, and supporting the credit of the continental currency, brought in a report, which was read:

~~The Committee appointed to consider of Ways and Means for supplying the Treasury and supporting the credit of the continental currency, Report as their Opinion,~~

~~That a Sum not less than Sixteen Million dollars in addition to the sums already ordered will be necessary for the Services of the current year, that to make the necessary supplies by Taxes and Loans will~~

pointed out the impropriety of a bold figurative style in public Instruments, and the beauty and propriety of simplicity. R. H. Lee, of Virginia (as usual) insisted strongly on retaining the epithets, because they expressed only what our enemies really are, and urged that the best writers always used such terms on the like occasions. The Delegate from North Carolina observed that simplicity of style was true beauty and dignity, in the language of public bodies. Embellishments of splendid epithets and figures, if proper at all, were only for rhetoricians and such as write for amusement. He wished our energy might appear in our actions, and that our language might be simple and unadorned. He admired the peasants of Switzerland, who, in their struggles for freedom, were as remarkable for modesty in their language as for vigor in their exertions. He wished the Congress to imitate them in both. The exceptional passages were expunged. The debate now turned on the question whether the Law of Nations was proper to be mentioned. Some Gentlemen argued that it was improper to apply it to the proceedings against General Lee, because they proposed trying him by the laws of his country; but others insisted that they had no power to try him, more than any other prisoner by those laws. Many distinctions were attempted, which I did not understand. At length the N. Carolina Delegate declared, he thought all laws ought to be laid aside, but what both parties were equally subject to: these were only the laws of Nature and Nations. The municipal laws of all countries at war were silent with respect to the mere transactions, that related to or were the consequence of war. It was the proper policy of Britain still to regard the Americans as subjects, and to insist on the execution of the municipal laws: but it was the proper policy of America to maintain that the American States stand in no other relation to Britain, than as an independent Empire at war with her; and therefore, that the Law of Nations alone ought to be observed between them. Retaliation is the only instrument whereby nations can compel the observance of that law, and America ought therefore firmly to retaliate when the Law of Nations was violated,—The 'Law of Nations' was inserted." *Burke's Abstract of Debates in Congress. North Carolina Colonial Records*, XI, 381.

~~best preserve the credit of the paper currency. but for a present Supply a further Emission of Bills will be needful, therefore,~~

Resolved, That it is the opinion of this Committee that the sum of five million dollars in Bills on the Credit of the United States of the same tenor and denominations as the last emission be forthwith emitted under the direction of the Board of Treasury. 5,000,000

Agreed

~~That a further sum of Nine Million Dollars be borrowed on the credit of the United States, on Interest at four per cent per annum, that loan Certificates to that amount of the tenor of those already Issued, of different sums from one hundred to Dollars, be provided by the Board of Treasury and sent to the several loan offices, to be given as Securities to the lenders of the money ordered to be borrowed as aforesaid~~ ~~9,000,000~~

~~That it be further recommended to the Legislatures of the respective States, that in compliance with the resolution of Congress of the 14th of January last, they raise by the Tax therein recommended to the amount of two Million and three hundred Thousand Dollars in the following proportions, viz.~~

~~New Hampshire~~	~~80,000~~	
~~Massachusetts bay~~	~~350,000~~	
~~Rhode Island~~	~~60,000~~	
~~Connecticut~~	~~200,000~~	
~~New York~~	~~100,000~~	
~~New Jersey~~	~~80,000~~	
~~Pennsylvania~~	~~320,000~~	
~~Delaware~~	~~30,000~~	
~~Maryland~~	~~250,000~~	
~~Virginia~~	~~400,000~~	
~~North Carolina~~	~~200,000~~	
~~South Carolina~~	~~200,000~~	
~~Georgia~~	~~30,000~~	
		~~2,300,000~~
		~~16,300,000 Dollars~~

That whatever sums shall be raised by any State and paid into the Treasury of the United States, more than its just Quota, Such State shall be allowed Interest therefor at the rate of four per cent per annum, the above proportions being accommodated to the present circumstances of the several States and not agreeable to their Quotas of the common expence.

That it be recommended to the Legislatures of the several States to provide by Taxing their Inhabitants or otherwise for paying the annual Interest arising on the Monies borrowed on the Credit of the United States.

That the Board of Treasury direct the Commissioners of the Loan offices to collect as many of the continental Bills of the first and second emissions as they can, and that none of the said Bills be reissued but brought into the Treasury of the United States and burnt.

That said Commissioners shall be allowed one eighth per cent for collecting said Bills in addition to their present allowance.

That a Mint be forthwith established for coining money, and that it be referred to the Board of Treasury to prepare and report a proper plan for regulating the same, and a suitable device to be stamped on the coin.

That as much Gold and Silver bullion as can be procured in these States be purchased and paid for in continental currency or loan Certificates payable in Specie with Interest at four per cent per annum at the expiration of three years next after the termination of the present war, and that the bullion so purchased be coined into money, of such value and denominations as shall hereafter be ordered by Congress.

That any persons who will bring gold or silver to the mint may have it coined on their own account.

That a quantity of Copper be purchased and coined into pence and half pence, each penny to weigh half an ounce Avoirdupoize and be in value equal to one seventy-second part of a Dollar.[1]

Ordered, To lie on the table.

Congress ~~proceeded to consider the propriety~~ resumed the subject of encreasing the number of general officers; Whereupon,

Resolved, That ten brigadier generals be appointed.

[1] This report, in the writing of Roger Sherman, is in the *Papers of the Continental Congress*, No. 26, folio 13.

Resolved, That the election of the brigadiers be postponed till to morrow.

The Committee of Treasury reported, that there is due,

To Robert Patten, for his services attending Congress from the 4th December to the 20 February, being 78 days; and for inkpowder, candles, &c. the sum of [£29 15 5=] 79 35/90 dollars:

To Robert M'Gee, for the hire of his waggon, taking the baggage of Captain Yates's company of the 4 batallion of Maryland forces, 26 dollars:

To William Adams, for stabling, oats, &c. for eight waggon and three Virginia light horse, 11 dollars:

To Dr. Frederick Phile, for the amount of his account for medicine and attendance to the German batallion, in Philadelphia, [£74 16 6=] 199 48/90 dollars:

To John Fleming, for the hire of his team 20 days in the service of the army, and for ferriages paid by him, [£30 2 3] 80 27/90 dollars, and the further sum of [£1 10=] 4 dollars, for ferriage of his waggon and horses over Bald Friars, on the Susquehannah, kept by Alexander Ewing, as appears by his receipt, and which the said Fleming was compelled to pay, or he could not pass, and which appears an extortionate sum: the whole amounts to [£31 12 3=] 84 27/90 dollars:[1]

Ordered, That the said accounts be paid.

At a Board of War, *20th Feby, 1777.*

Agreed to report to Congress:

That General Washington's Establishment of an Elabratory and Cannon Foundry at Springfield in Massachusetts be approved of by Congress.

That the Assembly of the State of Maryland be requested to deliver to Doctor McKensie so much Medicines of the following Denominations

[1] This report is in the *Papers of the Continental Congress*, No. 136, 1, folio 37. On the charge for ferriage the Committee said: "This appears to the Board to be so extortionate a sum, that they think it right to state it to Congress, in order that some Measures may be taken, at least to prevent the like impositions in future."

as he shall want and they can Spare, to enable him to inoculate the Continental Troops in this Town, in the following Proportions for one hundred Men.

Six ounces Calomel
Two Pounds Jallop
Three Pounds Nitre
Elix^r Vitriol
One Pound Peruvian Bark
One Pound Virginia Snake Root.[1]

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

FRIDAY, FEBRUARY 21, 1777

The committee, to whom was recommitted the report of the committee appointed "to prepare a plan for suppressing the internal enemies of America, and preventing a communication of intelligence to the other enemies of these States," brought in a report, which was read:

Ordered, To lie on the table.

Congress taking into consideration the letter of the 10th from General Lee;[2] Thereupon,

[1] This report is in the *Papers of the Continental Congress*, No. 147, I, folio 85.

[2] "A Letter from General Lee, requesting a Committee of Congress to be sent to New York, to whom he might, with permission of Lord and General Howe, impart something of great consequence to himself, and of no less, in his opinion to the public. His letter was in very pressing terms. It was the general sense of Congress that no conference ought to be held with any but Embassadors properly authorized by the Court of Britain to treat of peace; that Lord and General Howe could have no powers on such a subject by virtue of their commission, which was particularly limited by Parliament to other purposes: that any conference with them would be impolitic and degrading: degrading, because their powers supposed Congress objects of their dominion, and even of their merey: impolitic, because it would give opportunity for representing in the Courts of Europe that Congress were in Treaty with Britain for a reconciliation, and for some time suspend, by this means, their intentions of befriending us. But it was also agreed that the Congress ought to give every possible attention to General Lee's personal safety. The Resolution was passed of directing General Washington to inform General Lee of the measures they were taking for his safety, and to request him to inform them of any thing they could further do: but that they could not think it consistent with the dignity of Congress to send a committee to treat with him on public business." *Burke's Abstract of Debates. North Carolina Colonial Records*, XI, 382.

Resolved, That General Washington be directed to inform General Lee, that Congress are pursuing, and will continue to pursue, every means in their power to provide for his personal safety, and to obtain his liberty:

That General Washington inform him of the steps taken to effect these ~~purposes~~ ends, and, at the same time, acquaint him, that Congress ~~cannot see the propriety of sending~~ judge it altogether improper to send any of their ~~members~~ body to communicate with him, and that they cannot perceive how a compliance with his request will tend to his advantage or the interest of the public.

Congress proceeded to the election of brigadiers general and the ballots being taken, the following gentlemen were elected. (It being previously agreed that their rank be settled after the election is made.)

Colonel Enoch Poor, Colonel J. Glover, Colonel J. Patterson, Colonel Anthony Wayne, Colonel James Mitchel Varnum, Colonel John P. De Haas, Colonel G. Weedon, Colonel P. Muhlenberg, Colonel J. Cadwalader, and Colonel W. Woodford.

Resolved, That the rank of the foregoing brigadiers general, and that of Brigadier General Nash, be ~~appointed~~ settled to morrow.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

SATURDAY, FEBRUARY 22, 1777

Resolved, That deputy adjutant general Thomas Bullit, have the rank and pay of a colonel on the continental establishment.

Congress proceeded to settle the rank of the brigadiers elected yesterday, and of Brigadier Nash, with respect to each other; upon which,

Resolved, That such as are in the continental service, take rank according to the dates of their commissions, and ~~their present~~ the rank they held in the army at the time of their promotion; and that such as do not hold continental commissions, stand after them in the order in which they are elected.

Colonel Woodford having resigned his commission a question arose whether his rank should be settled agreeable [to] the date of his former commission. ~~Upon~~ the question being put, carried in the negative.

||*On motion*, "That Colonel Woodford, who formerly held a commission of colonel in the continental service, but resigned, take rank according to the date of the said commission:"

Question put—Carried in the negative.||

~~Resolved, that Brigadier general Cadwallader take rank of Brigadier Woodford, and that the rank [of the] Brigadiers chosen be as follows:~~

The rank of the brigadier is as follows:

1	7
2	8
3	9
4	10 John Cadwallader
5	11 William Woodford
6	

A memorial from Regnier de Roussi, and a representation from Thomas Rutherford, and three others, prisoners from North Carolina, were read:[1]

Ordered, That the memorial from Regnier de Roussi be referred to the Board of War; and,

That the representation from the North Carolina prisoners be referred to the Board of Treasury.

[1] The memorial from Regnier de Roussi is in the *Papers of the Continental Congress*, No. 41, VIII, folio 260.

Congress took into consideration the report of the committee of ways and means; Whereupon,

Resolved, That thirteen millions of dollars be borrowed on loan office certificates, of the following denominations:

2,500	of 200 dollars each,	500,000
9,185	300 ditto,	2,755,500
7,350	400 ditto,	2,940,000
5,513	500 ditto,	2,756,500
3,675	600 ditto,	2,205,000
1,843	1,000 ditto,	1,843,000
		13,000,000

Resolved, That all certificates, issuing after the first emission, be signed by Michael Hillegas, Esq. treasurer, or Samuel Hillegas, and countersigned agreeable to the resolutions of Congress of the 3d October, 1776, and 15 January, 1777.

Resolved, That the farther consideration of the report be postponed.

Resolved, That the treasurer be directed to remain in Baltimore till the farther orders of Congress.

||*Resolved*,|| That one million of dollars be lodged in the hands of John Gibson, Esq. auditor general, to be subject to the draughts or orders of Congress; he to be accountable

Resolved, That 400 dollars be paid to the delegates of Connecticut, and charged to that State.

The Board of War brought in a report, which was taken into consideration; Whereupon,

Resolved, That Jost Triesback be appointed a captain, and Charles Merckle a lieutenant, in Major Ottendorff's corps:

That 1,500 dollars be paid to Dr. Samuel M'Kinzie, for the use of the hospital in Baltimore; he to be accountable.

Resolved, That a member be added to the Committee of Treasury:

The member chosen, Mr. William Smith.

Whereas Carriages ought not to be impressed but upon the most urgent necessity,

Resolved, for the better and more regular provision of carriages for the forces of the United States, in their marches, or for their arms, clothes, accoutrements, baggage, military stores, and provision, sick and wounded, that it be recommended to the Legislatures of the several States to provide, as soon as possible by law, that any Justice of the peace within any County, City, town, or district, when thereunto required by an order from the Commander in Chief, or any general, field, or commissioned officer, or by the adjutant general, Quarter Master General, or any of his Deputies, or by the Quarter Master of any Battalion, detachment, troop or company, ordered to march, shall, as often as such order is brought unto him, issue out his warrant, to any one or more of the constables of the County, hundred, city, town, or district, from, through, near or to which, such regiment, detachment, troop or company, shall be ordered to march; requiring them to make such provision for carriages, with able men to drive the same, as is mentioned in the said warrant, allowing them sufficient time to do the same, that the neighboring parts may not always bear the burthen, and directing them not to take any carriage carrying provisions, or articles of commerce to the army, or any City, town, or place, for the benefit of the inhabitants, or on their return. And in case sufficient carriages cannot be provided as aforesaid, within any such County, hundred, city, town, or district, then any justice of the peace, of any of the neigboring Counties, Cities, towns, or districts may and shall, upon such order, as aforesaid, being produced to him, by any of the officers aforesaid, issue his warrant, to any one or more of the Constables of such places respectively for the purposes aforesaid, to make up such deficiency: and if any Justice shall wilfully neglect or refuse, on such request as aforesaid, to grant such warrant, or if any constable shall wilfully neglect or refuse to execute such warrant in the most speedy and effectual manner, or if any person required or appointed by such constable to provide and furnish any carriage and driver, shall refuse or neglect to provide the same, or any other person shall wilfully do any act or thing, whereby the execution of such warrant shall be hindered, delayed or frustrated, every such justice,

constable, or other person so offending shall for every such offence, forfeit not exceeding forty, nor less than ten dollars, to be recovered and applied as each respective State shall direct, *one moiety thereof to the use of the poor of the Parish, or County, hundred, City or town, where any such offence shall be committed, and the other half to the informer, and any one Justice of the Peace of the County, City, Town, or District where such offence shall be committed may hear and determine the same, and cause the said penalty to be levied on the offenders person, goods or chattels.* And if any Justice or constable shall refuse or neglect his duty, whereby the service may be injured, and necessity shall require and not admit of any delay, the officer commanding the Regiment, detachment, troop or company may grant to any Constable or commissioned officer, his warrant in the same manner as the justice to provide carriages and drivers as aforesaid.

And to prevent dispute about the number of carriages, which shall be employed or impressed in the service, the price to be allowed, and the load and distance they are to travel, or be carried from home; that no officer shall require more than ten Carriages, carrying one ton each, for the baggage of a complete regiment, and in the same proportion for the baggage of a greater or lesser number of forces, on their march, or such number of other carriages as may be equal to such ten carriages. And no officer shall require more carriages for removing military stores and provisions and for transporting the sick and wounded, than shall be sufficient for such service: That there be allowed and paid to the owner of every carriage, when discharged, carrying one ton, if required, and travelling twenty miles in one day, if so required the customary hire for such carriages in the place employed or hired, not exceeding four dollars for every day, while in the service, and so in proportion for any carriage carrying a greater or a less load, or travelling a greater or a less distance in a day; [but if any carriage shall be laden with less than a ton, and capable if required to carry that burthen, and shall be able to travel with such a load twenty miles in a day, if required and shall be detained or delayed no deduction shall be made from the full price.][1]

That there be allowed and paid to the owner of every carriage capable of carrying a ton, twenty miles in a day, when discharged twelve ninetieths of a dollar for every mile from the place of discharge to the home of the owner thereof, and so in proportion to the owner of any

[1] The phrases between brackets were inserted by Samuel Chase.

carriage capable of carrying a less burthen and travelling a less distance; The owner of every carriage finding an able driver and supplying the driver and horses with provision and forage; but if provided at public expense the value thereof to be deducted out of the pay, and no carriage shall be carried more than four days journey from the home of the owner thereof.

That if any military officer, or officers for the use of whose troop any carriage shall be provided, shall force and constrain any carriage to carry more than one ton, or to travel more than twenty miles in one day, or shall not discharge the same, when carried four days Journey from home, or shall suffer any non commissioned officer or soldier (except such as are sick and unable to travel) or any women or servants, or any other person attending the army, to ride in the carriage, or shall force any constable by any threats, to provide saddle horses for themselves or servants, or shall force horses from the owners by themselves, servants or soldiers, or shall employ or shall by warrant as aforesaid, impress any carriage otherwise than in the manner and proportion, and according to the directions above prescribed, every such officer, for every such offence, shall forfeit not more than twenty nor less than five dollars, proof being made thereof by the oath of two credible witnesses, before any justice of the peace of the County, City, town, or District where the offence shall be committed, either to the injured person or such injured person and the informer, in such manner and proportion as the justice shall adjudge, and the justice shall commit the offender, if present, till payment, and if absent shall certify the same to the paymaster of the Department where such offence shall happen who shall pay the same according to the order and appointment of the Justice and deduct the same out of the officers pay.

And to prevent any dispute about the passage over ferries, and the price therefor—Resolved that it be recommended to the Legislatures of the several States to provide as soon as possible by Law, that where any troops, or baggage shall pass, or be carried over any regular public or County ferry in any of the United States, It shall be lawful for the Commanding officer either to pass with his troop, as passengers, or to hire the ferry boat entire to himself and his party, debarring others for that time, in his option; and in case he shall choose to take passage for himself and party as passengers, he shall only pay for himself, and each person under his command, half of the ordinary or usual rate payable by single persons at any such ferry, and a rea-

sonable reward for the baggage. And in case he shall hire the ferry boat for himself and party, he shall pay half of the ordinary rate or hire for such boat, or boats, and in such places where there are no regular ferries, but all passengers hire boats at the price they can agree for, officers with or without parties are to agree for boats, at the same rate as other persons in like cases.

Whereas it may be some time before such laws can be made, and the public service in the mean time may suffer great damage. Resolved that the mode and directions prescribed in the above recommendations to the officers of the army shall be obeyed by them under the penalties therein directed, and whenever carriages shall be wanted for the use of the army application shall always be made by some one of the officers aforesaid to some justice of the peace for his warrant, and where there is no magistrate to the Chairman or a member of the Committee of the County, City or district, where the same shall be wanted, who are requested to grant their warrant in the same manner as a Justice of the peace, and if any justice, chairman, or member of a Committee shall refuse or neglect to grant such warrant, or any constable shall refuse or neglect to execute the same, in such case, the officer commanding any Regiment, detachment, troop or company may issue his warrant to any constable or commissioned officer to provide carriages and drivers in the same manner as a justice of the peace and such warrant shall be executed and obeyed.

~~Ordered that copies of the above resolutions be sent to the several Legislatures, and to General Washington, and be published in the several Newspapers of these States.~~

Ordered, That all regiments companies or parties of soldiers on their march or in quarters shall be constantly attended by one or more officers of their corps, who shall see that all the above regulations as far as the same respects the officers or soldiers are strictly complied with, and no injuries or irregularities of any kind committed, as the commanding officer of every party marching or in quarters shall answer the neglect thereof with the forfeiture of his commission.[1]

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock on Monday.

[1] This report, in the writing of a clerk, is in the *Papers of the Continental Congress*, No. 21, folio 59. The last paragraph is in the writing of Robert Morris. It is endorsed "Report of the Committee on Impressing Carriages, brought in February 22, 1777." See under January 30 *ante*.

MONDAY, FEBRUARY 24, 1777

Absent, Massachusetts. Attended 11 o'Clock
Maryland.
Virginia. Attended ½ after eleven.

A letter, of the 23 December last, from Major General Ward.

One, of the 12th, from G. Morgan, Esq. at Pittsburg, with sundry papers enclosed.

One, of the 22, from the committee of Congress, at Philadelphia. And one, of the 20, from General Washington.

One, of the 20th, from Mr. G. Walton, ||were read:||[1]

Ordered, That the letter from Mr. Morgan, with the papers enclosed, be referred to the Committee on Indian affairs; that the letter from General Ward, be referred to the Board of War.

~~Letters of the 8 and 25 October, from Mr. [Silas] Deane, and one of the 15 January, from Mr. W. Bingham, were read and returned to the Committee of Secret Correspondence.~~

Resolved, That 2,600 dollars be paid to ~~Captain Samuel Woodson~~ Lieutenant Hudson Martin, and charged to the account of the pay master general; the same being in full of an order of General Washington, on W. Palfrey, pay master general, in favour of Levin Joynes, dated 10 February, 1777, and endorsed by the said Joynes to Captain S. Woodson, and by Captain S. Woodson to the said Lieutenant H. Martin.

[1] The letter from General Ward is in the *Papers of the Continental Congress*, No. 78, XXIII, folio 335. That of the Philadelphia committee is in No. 137, *Appendix*, folio 181; that of Washington, in No. 152, III, folio 583. It is printed in *Writings of Washington* (Ford), V, 240. The letter of Walton is in No. 78, XXIII, folio 373.

Resolved, That the letter from the committee of Congress, and that from General Washington, be referred to a committee of the whole:

Congress, then, resolved itself into a committee of the whole to consider the letters from the Committee of Congress and from General Washington; and, after some time spent thereon, the president resumed the chair; and Mr. [Benjamin] Harrison reported, that the committee have had under consideration the letters to them referred, and have come to sundry resolutions, which he was ~~ready~~ ordered to lay before Congress when they were ready to receive them.

Ordered, That the report be received.

The resolutions reported from the committee of the whole being read, ||and the question put on each,|| were agreed to as follows:

Resolved, That General Washington be informed, that it will be agreeable to Congress, that he call over to him, such farther aid from the troops under General Heath, as he shall think proper, and that he order all the continental troops that are at Providence, immediately to join him:

That the convention of New York be desired to place as many militia on the Highlands as may be sufficient to defend those passes against any attempts of the enemy, during the absence of the regular troops.

And, in order farther to strengthen the hands of the General,

Resolved, That the Board of War be directed to send letters by express to the colonels or other commanding officers of the several regiments, now raising and recruiting in the States of Pensylvania, Delaware, Maryland, and Virginia, ordering them immediately to march the troops inlisted under their command, by companies and parts of companies, to join the army under General

Washington; proper officers being left behind, to recruit the companies or corps that are not yet compleated, and to bring up the recruits:

That General Washington be directed to write similar letters to the colonels or other commanding officers of the regiments now raising and recruiting in the states of New Hampshire, Massachusetts bay, Rhode Island, Connecticut, New York, and New Jersey, excepting such regiments as he shall destine for the service in the northern department:

That the governor of New Jersey be requested to order the militia of that State properly armed and equipped, immediately to join the General; and that the council of safety of Pensylvania be also requested to send to the aid of the General, such of their militia, properly armed and equipped, as are contiguous to New Jersey. It being the earnest desire of Congress, to make the army under the immediate command of General Washington, sufficiently strong, not only to curb and confine the enemy within their present quarters, and prevent them from drawing support of any kind from the country, but, by the divine blessing, totally to subdue them before they can be reinforced.[1]

[1] "24 February.

"A letter from General Washington informing that General Howe and Lord Percy were arrived at Brunswick with a reinforcement of troops and heavy artillery; that he apprehended the enemy intended to enlarge their quarters and procure forage in the Jerseys, or to march towards Philadelphia, neither of which was his force able to prevent. The Congress ordered General Washington to call to his aid the Continental Troops under General Heath, and in Providence, and letters were ordered to be written to the Colonels of the Battalions north of N: Carolina, ordering them to send their troops by companies, and parts of companies as fast as they could be got ready, to join the General, except such as were destined for Ticonderoga. N. York was requested to send detachments of their militia to supply the place of General Heath. New Jersey and Pennsylvania were also requested to reinforce the General with militia. To this resolve was subjoined a declaration of Congress, 'that it was their intention to reinforce the General so as to enable him not only to curb and confine the enemy within their present quarters, but, with the blessing of God, entirely to subdue them before they are reinforced.' This pompous paragraph was much

Congress took into consideration the report of the Board of War brought in the 14th: Whereupon,

Resolved, That the several States be requested to take the most effectual steps for immediately collecting from the inhabitants, not in actual service, all continental arms, and give notice of the number they shall collect to General Washington:

That all arms or accoutrements, belonging to the united States, shall be stamped or marked with the words UNITED STATES; all arms already made to be stamped upon such parts as will receive the impression, and those hereafter to be manufactured, to be stamped with the said words on every part composing the stand; and all arms and accoutrements so stamped or marked, shall be taken wherever found for the use of the States, except they shall be in the hands of those actually in continental service:

That it be recommended to the legislatures of the several States, to enact proper laws for the punishment of those who shall unlawfully take, secrete, refuse or neglect to deliver, any continental arms or accoutrements which they may have in their possession.

Resolved, That the farther consideration of the report be postponed till to morrow.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

condemned by some Gentlemen, as an unworthy gasconade and it was warmly debated. North Carolina observed that threats were unbecoming a private Gentleman, and much more unbecoming a public body: that this pompous boast, if not realized, would render the Congress exceedingly ridiculous, and there was great reason to fear it would not; that our vigour ought to appear by efforts not words; that at best it was a useless supertluity, and ought to be expunged. Jersey, Pennsylvania, North Carolina and South Carolina voted for expunging: the four Eastern States, Virginia, Georgia, for retaining. There appeared, through this whole debate, a great desire in some of the Delegates of the Eastern States, and in one of New Jersey, to insult the General. Georgia always votes with Connecticut, and is of no further use in Congress." *Burke's Abstract of Debates. North Carolina Colonial Records*, XI, 383.

TUESDAY, FEBRUARY 25, 1777

South Carolina attended at 11 o'clock.

Congress resumed the consideration of the report of the Board of War: Whereupon,

Resolved, That the several States be requested and empowered to borrow or purchase, on behalf of the Continent, from the militia within the said States, respectively, as many good and sufficient arms as can possibly be procured.

Resolved, That the farther consideration of the report be postponed.

A petition from Jacob Haymaker was read, praying for an allowance for some horses stolen from him by the Indians:

On the question put, to comply with the prayer of the petition,—Carried in the negative.

The committee to whom the state of the North Carolina prisoners was referred, brought in their report, which was taken into consideration: Whereupon,

Resolved, That the prisoners from North Carolina, now in prison, or under guard in Baltimore, be put upon their parole, and engaged to continue at Frederic town, in Maryland, or within one mile of it, till the farther order of Congress.

Ordered, That the committee who brought in the report, carry this resolution into execution, and take such security of them, for the faithful observance of their parole, as the said committee think proper:

Congress having received information that a quantity of woolens hath been brought into the port of Baltimore, by a privateer belonging to the State of New York, which are fit for the army, and immediately necessary for cloathing and supplying the new raised levies;

Resolved, That the Board of War be directed to appoint proper persons to appraise the said woolens, in order that the value of the same may be paid to the State of New York, or that a like quantity of woolens be supplied that State from the cloathier general; and that the Board of War give directions for having the cloth, thus obtained, made up quickly as possible into soldiers' cloaths.

The committee on the post office brought in a report, which was read:

The Committee for revising the Regulations of the Post Office, Report,

That the Post Master General should be directed forthwith to appoint two Surveyors of the Post, One to proceed immediately from Philad^{a}. to the Northward and the other to the Southward to carry effectually into Execution the following Regulations:

That the Grand Line of Post to the Northward extend from Philad^{a} to Easton, from Easton to Fishkill, from Fishkill to Hartford, from Hartford to Boston, from Boston to Portsmouth, from Portsmouth to Falmouth.

That the Grand Line of Post to the Southw^{d} extend from Philad^{a} to Annapolis, from Annapolis to Williamsburgh in Virginia, from Williamsburgh to Halifax in N. Carolina, from Halifax to Wilmington, from Wilmington to Ch^{s} Town S^{o}. Carolina, from Ch^{s} Town to Savanna in Georgia.

That the Post Master General be directed to contract with proper persons to act as Deputies in each of the said Towns and at such intermediate Places as he shall think proper, and that such Cross Posts be established as Places or Circumstances seem to admit or require.

That the Mail be regularly made up and sent to and from the aforesaid Towns twice in every Week, and for the expeditious Conveyance of the same, proper Riders shall be employed at suitable Distances, who, on receiving the said Mail, shall immediately proceed therewith by Night or by Day, so that the same may be carried at least 100 Miles in 24 Hours, excepting only the necessary Delays at Ferries.

That before any Surveyor of the Posts, Deputy Post-Master or Rider shall enter on the Execution of their respective Offices, they shall take the Oath of Fidelity to the United States, and also an Oath of Office, and the Post-Master General shall once in 6 Months make

Returns to Congress of the Names of such Surveyors of the Post, Deputy Post-Masters and Riders throughout the Continent.

That a Salary of 500 Dollars per annum be allowed to each Surveyor of the Post, and 200 Dollars to the Surveyor of the Northern Department, and 300 Dollars per annum to the Surveyor of the Southern Department, to defray travelling Expences; that a Sum not exceeding 200 Dollars per annum be allowed to each Deputy Post Master, in addition to the Allowance already made by Congress, if from particular Circumstances the Post-Master General shall find the same to be necessary; that the several Riders shall be allowed so much as shall appear reasonable according to the Circumstances of the respective States in which they may be employed.

That 5,000 Dollars be advanced to the Post Master General to enable him to carry the foregoing Resolves into speedy and effectual Execution, he to be accountable; and if the Profits of the said Post-Office shall not be sufficient to defray the expences of the same, the Deficiencies shall be supplied out of the Continental Treasury.[1]

Ordered, To lie on the table.

Congress took into consideration the report of the Committee on Deserters; and, thereupon, came to the following resolution:

To the end, that the most speedy stop may be put to the pernicious and unsoldierly practice of deserting, and that such offenders who receive the public money for services that they design not to perform, may be certainly and speedily carried back to the corps they have deserted from, it is earnestly recommended to the committees of observation or inspection in these united States, that they cause diligent enquiry to be made, in their respective counties or districts, for all deserters that may be lurking and harboured therein, and cause such, whenever found, to be immediately secured, and conveyed to the nearest

[1] This report, in the writing of Thomas Heyward, is in the *Papers of the Continental Congress*, No. 61, folio 445. It is without date, and has 1776 endorsed upon it, as has also the manuscript of the report printed under October 17, 1777, *post*. It is possible that it does not belong in this place, but Heyward, as chairman of the committee, appointed February 17, 1777, *ante*, would naturally have prepared the report.

continental officer; and all such officers are hereby directed to receive and secure such deserters, that they may be safely delivered to their respective regiments, and brought to a speedy trial and exemplary punishment; and farther, to pay to the persons delivering such deserters, eight dollars for each deserter so brought and delivered, and twelve ninetieths of a dollar in lieu of expences for every mile from the place where the deserter was taken up to the place where he is delivered to the officer.

Ordered, That the foregoing resolve, and the 1st, 2d, and 3d articles of the 6th section of the articles of war, be published in the several news papers for six months, and also, that 300 copies be printed in hand bills, and sent to camp, to be distributed among the officers.[1]

Two officers of the 2d and 7th Virginia batallions, who were left to bring up the baggage of their respective batallions, and a surgeon's mate belonging to the 2d batallion, of the Virginia forces, being arrived in Baltimore, applied for two months' pay ||for themselves and the men with them,|| to enable them to proceed with their companies.

Resolved, That they be referred to Mr Jonathan Hudson, who is directed to pay the said officers and ~~their~~ men ~~one~~ two months' pay; ~~and to the surgeon two months' pay~~ and return an account to the General, and to the pay master general.

[1]See under February 13, *ante*. The resolve was printed in the *Pennsylvania Packet*, 18 March, 1777.

"This day there was a very interesting debate on some amendments proposed to a report of a Committee, appointed to consider of some means for preventing desertion; but the main question was concerning the jurisdiction of Congress and the States. The decision was postponed. The debate lay chiefly between Mr. Wilson, of Pennsylvania, and the Delegate from North Carolina. The opinion of a great majority was with the latter; but it was not deemed prudent to decide. N. B. This is all that I can now transmit: but as you know the opinion of Congress; and for this reason it is that I mention that a majority was in his favour" *Burke's Abstract of Debates. North Carolina Colonial Records*, XI, 384.

Doctor [John] Witherspoon, having represented to Congress that the situation of his private affairs requires his returning home for a short time, desires leave of absence.

Resolved, That leave be granted.

Resolved, That 3,000 dollars be advanced to the delegates of Georgia, for the use of that State; the said State to be accountable.

Mr. [Jonathan Dickinson] Sergeant having on account of his health applied for leave of absence,

Resolved, That leave be granted.

The Board of War brought in a report, which was taken into consideration; Whereupon,

Resolved, That Mons. Regnier de Roussi be allowed the rank and pay of a lieutenant colonel from the 12 day of January, 1776 ||1777||, and be referred for future employment to General Washington.[1]

The Committee of Treasury reported, that there is due,

To Dr. Benjamin Rush, for sundry medicine and attendance to sick soldiers and prisoners, the sum of [£177 9=] 473 18/90 dollars:

To Richard Stockton, Esq. and to be paid to Dr. Benjamin Rush, for the hire of two horses, a sulky, &c. for his journey to Ticonderoga last fall, by order of Congress, 151 30/90 dollars:

To Captain James Cox, for the pay of a guard of militia to the treasury, and prisoners, and for candles for the use of the guard, [£39 3 6=] 104 42/90 dollars:

That there should be paid to Samuel Purviance, the sum of 147 87/90 dollars, the amount of George Pressman's account for plastering done by him in the court

[1]This report, in the writing of Richard Peters, is in the *Papers of the Continental Congress*, No. 147, 1, folio 89.

house in Baltimore, and for nails, wood, &c., which work was done to accommodate Congress:[1]

Ordered, That the said accounts be paid.

It being represented to Congress, that profaneness in general, and particularly cursing and swearing, shamefully prevails in the army of the united States, it is therefore,

Resolved, That General Washington be informed of this; and that he be requested to take the most proper measures, in concert with his general officers, for reforming this abuse.

Resolved, That the order for adjourning to Philadelphia be ~~reversed, repealed rescinded~~ suspended.[2]

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, FEBRUARY 26, 1777

South Carolina attended ½ after 10.
Maryland at 11 o'Clock.

Resolved, That William Spear be appointed a superintendant of the press, in addition to those already appointed.

[1] This report, *Papers of the Continental Congress*, No. 136, I, folio 39, continues as follows: "by desire of Mr. Chase. And as Congress have made no use of said House, the Board have directed that a part of the sum should be charged to Baltimore County, so soon as the proportion can be settled with the Commissioners appointed for building the same, they having particularly contracted with the workmen for this purpose."

[2] "As I am impowered to adjourn the Congress from Baltimore to Philad^a on next Tuesday, and shall set out myself on Wednesday, I must request you will please to direct your Letters to me at Philad^a, the Powers of the Committee of Congress in that Place expiring on our Arrival there." *Hancock to Washington*, 23 February, 1777. On the 25th he wrote: "In consequence of your Letter and one from Mr. Morris, Congress have suspended their Remove to Philad^a for a few days."

Resolved, That 3,000 dollars be paid to Colonel Stephen Moylan, for the service of recruiting his regiment, agreeable to the tenor of a warrant from General Washington, as certified by an order, signed by the committee of Congress, dated in Philadelphia, February 18, 1777.

The Board of War brought in a report, which was taken into consideration; Whereupon,

Resolved, That 100 dollars be advanced to Thomas Edgar, conductor of a brigade of waggons, laden with the baggage of the 2d and 7th Virginia regiments; he to be accountable.[1]

Congress resumed the consideration of the ~~report of the Committee on Ways and Means~~ rate of interest to be allowed on the sums of money ordered to be ~~paid~~ borrowed; Whereupon,

Resolved, That an interest of 6 per cent. per annum be allowed on all sums of money already borrowed, and directed to be borrowed on loan office certificates, although such certificates mention only an interest of 4 per centum per annum.

Resolved, That the interest on the prizes, drawn in the continental lottery, shall remain at 4 per centum.

Resolved, That it be recommended to the legislatures of the several States, not to offer or give more than at the rate of 6 per centum per annum upon any monies to be borrowed in their respective loan offices.[2]

[1] This report is in the *Papers of the Continental Congress*, No. 147, I, folio 87.

[2] "It was determined to give six per cent interest on money borrowed or to be borrowed on Loan Certificates. Connecticut went over to this measure and drew Georgia with it. An attempt was made to extend it to certificates to be given in payment for Lottery prizes, but rejected. The debates were long and troublesome, but unimportant. North carolina was always against increase of interest, because the Delegate considered it as incapable of producing any money, but in the way of an emission on interest, and therefore that it was resolving to carry on the war at an interest unnecessarily increased one half, and that no sum was accumulated or could be borrowed, the acquisition of which would compensate for carrying on the war at this increased interest. The question was put in the morning for an adjournment

Resolved, That 1,000 dollars be advanced to Major Ottendorff, for the purpose of recruiting his corps; he to be accountable.

The Committee of Treasury reported,

That there is due to Peter Galway, for riding express to Chincotigue with orders to Captain Balding, the sum of [£19 10=] 52 dollars:

To Catharine Heydshaw, for lodging, firing, candles, and for dieting Hessian officers and soldiers from 29 January to 25 February inclusive, [£11 4=] 29 78/90 dollars.

Not Passed

That there is due to Capt. William Galbraith for the pay of himself and 14 men as a Guard to Carolina Prisoners, for Wood and Candles and Dieting said Prisoners from the 11th to the 26th inst. inclusive, the sum of £75 1 10, equal to 200 22/90 dollars.

to Philadelphia. All the Southern Delegates were against it, except Georgia, who always votes with Connecticut. The reason given, that much business of consequence was before the Congress, and it was improper to suspend it by an adjournment; that the weather was so bad and several States so circumstanced, there was very little probability of the Congress meeting in Philadelphia in several weeks; that the General was of opinion the enemy intended an attack on Philadelphia, and if they attempted it they had no force to stop them; in fine, that it would be foregoing a certainty of doing business, for a very great uncertainty. For if the only reason of any weight came from the Board of War, which was that for want of mechanics and wagons the business of their department went on very heavily at Baltimore. This was answered by observing that an adjournment would cause an entire suspension of this and all business, and there was no probability of an early meeting at Philadelphia. There was a peevish altercation on the matter, and in order to put an end to it, the Delegate from North Carolina moved, in the right of the State, to put off the question. A fierce debate ensued, J. Adams, Dr. Witherspoon, Mr. Wilson, Mr. Sherman and some others alleged that it must be referred to a majority, whether the rule could apply to this case, and, in short, whether the State should be allowed to exercise the right of postponing. R. H. Lee with great perspicuity and force of argument, urged the violent impropriety of putting such a question at a time when a State attempted to avail itself of a privilege referred to each by the fundamental rules of the Congress, which certainly framed its constitution; that no change should be attempted until the State had exercised its right, and the rule might afterwards be considered and amended if thought requisite. F. L. Lee observed that the rule was originally intended to prevent a majority from deciding too precipitately, and if it was submitted to the majority, then when it was proper to apply the rule, or when a State might avail itself thereof, the majority would always determine against applying it all. Mr. Haywood from South Carolina

To Henry Bradford, for furnishing lodging and fuel to 126 of the Virginia troops, the sum of [£3 10=] 3 30/90 dollars:

To Joseph Stiles, for hay and oats [and diets] to Captain Yauncey's squadron of light-horse, on their march from Virginia to join General Washington, the sum of [£18 0 4½=] 48 4½/90 dollars:

To Robert Talbot, for victualling 48 men of the Virginia troops, the sum of [£2 08=] 6 36/90 dollars:[1]

Ordered, That the said accounts be paid.

Congress resumed the consideration of the report of the committee on ways and means; Whereupon,

urged that he thought it a very extraordinary proposition to submit to a majority, whether that majority should be checked by a power absolutely reserved for that purpose in the constitution of Congress.

The Delegate from North Carolina declared that he would enter into no debate on the subject, 'whether he should avail himself of a right reserved to every State in the original constitution of the Congress;' that those rules must have been entered into by common consent, and nothing but common sense could dispense with them; that if a majority of Congress could vote away the rules which common consent had established, they were a body bound by no rule at all, and only governed by arbitrary discretion; if this was the case no State can be secure; a majority might vote that two, three, four, or five States should form a Congress, altho' the present rule required nine, that the votes should not be by States, but by voice individually,—in short, any the smallest number of Delegates might take upon them the whole authority of Congress: that putting the right of the State to a question was assuming to exercise an arbitrary, tyrannical discretion, and he would consider it as a violent invasion of the rights of his State, which he would endeavour to resent as became him: that if the question was at all put, he should be at no loss how to conduct himself: he would always to the best of his judgment, make a prudent use of any privilege with which he was invested, but he hoped he should always have firmness enough to maintain every the smallest privilege of the State he represented: that Gentlemen were exceedingly mistaken if they deemed him a man who would tamely suffer the smallest invasion or encroachment on her rights: that if that Assembly proceeded to so arbitrary and tyrannical an exertion of power, he would consider it as no longer that which ought to be trusted with the liberties of their fellow citizens, and he would shape his conduct accordingly. The Delegates of N. Hampshire, Maryland, Virginia, and South Carolina joined in this very strenuously, insisting that it was a most violent and arbitrary act of power to put any question at all on this matter; and the others (some individuals among them being of the same opinion) perceiving the determined resolution of the Delegate of North Carolina, to withdraw from Congress if any such question should be put,—they waived their opposition, and he exercised his right. The next day the adjournment was carried." *Burke's Abstract of Debates. North Carolina Colonial Records*, XI, 384.

[1] This report is in the *Papers of the Continental Congress*, No. 136, I, folio 41.

Resolved, That the sum of five millions of dollars, in bills on the credit of the United States, of the same tenor and denominations as the last emission, be forthwith emitted under the direction of the Board of Treasury.

Resolved, That the farther consideration of the report be postponed.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

THURSDAY, FEBRUARY 27, 1777

A letter, of the 17, from George Morgan, Esqr at Pittsburg, was read;[1]

Ordered, ~~to be referred to the Committee on Indian Affairs~~ That the messenger[2] who brought the letter be introduced.

Resolved, That 10,000 dollars be advanced to Mr. John Boreman, and charged to ||the account of colonel|| George Morgan, Esqr for the purpose of laying in provisions for the public service at Fort Pitt, Mr. Morgan to be accountable.

The Medical Committee, to whom the report on the hospital was re-committed, brought in a report, which was read:

The Medical Committee having taken into their consideration a plan[3] for establishing Military Hospitals, ~~transmitted to Congress by General Washington~~ agree to report—

Section 1. That the Continent be divided into three districts. The Middle to extend from Hudsons river to Potomac. The Southern to

[1] This letter is in the *Papers of the Continental Congress*, No. 163, folio 249.

[2] Mr. Anderson.

[3] This plan, in the writing of William Shippen, is in the *Papers of the Continental Congress*, No. 22, folio 9. It was prepared by Doctors Shippen and John Cochran, and was transmitted to Congress by Washington, February 14, 1777.

extend from Potomac to Georgia, and the Northern from Hudsons river to Quebec or Crown Point.

2. That there be a Surgeon and Physician Gen[l], with a suitable number of Senior physicians, Senior Surgeons and mates to each district. That the sick be taken care of by the physicians, and the wounded by the Surgeons in different apartments.

3. That there be a physician and Surgeon General with the main army whose business it shall be to attend the general and principal Officers of the Army, to enquire into the quality of the food of the Soldiers to superintend the regimental Surgeons and Mates, and to attend when called upon in consultation with them in all extraordinary cases.

4. That there be an Apothecary General whose business it shall be to purchase such medicines and instruments as shall be judged necessary by the Surgeons and physicians general of the Army. That he have the liberty of appointing three assistant Apothecaries in different parts of the United States, in order to supply with the more convenience the several hospitals, and regimental and Naval Surgeons with medicines and instruments.

5. That there be an Inspector General of the Army of the United States whose business it shall be to visit the Military hospitals and Apothecaries Shops in every part of the Continent; to examine the medicines and instruments belonging to the States; to enquire into the conduct of the several Officers in the medical department and report to the Congress, and Commander in chief at least once a month.

6. That the Surgeons and Physicians General of the hospitals have the liberty of appointing hospital Apothecaries, senior Physicians, and Surgeons, Mates, Purveyors, Clerks, Commissaries, Wardmasters, Servants, Washerwomen, Nurses, Cooks, and all such Officers as shall be necessary for the accommodation of the sick and wounded in the hospitals.

7. That the business of the Commissaries shall be to provide provisions, and liquors, also straw, hay and fuel for the hospitals. Also to bury the dead. He shall likewise provide, and superintend the waggons employed in transporting the sick, and wounded, and the baggage of the hospitals.

The business of the Purveyors shall be to take care of, and distribute the provisions, and other Articles provided by the Commissaries for the sick and wounded both in the camp and hospitals.

8. The business of the Wardmaster shall be to take care of the Arms, Accoutrements, and cloathes of the sick and wounded, and to take care that proper attention is paid to the cleanliness of the patients, and their respective wards, rooms, or tents.

9. That one Clerk be allowed to every general hospital, and one Nurse to every ten sick. That each military hospital be furnished with a number of shirts, sheets, blankets and cases for straw for the accommodation of the sick.

That each regiment be furnished with a number of hospital tents according to their number of men, a full regiment not to have more than six tents.

10. That the pay of the Surgeons and physicians Generals, be four dollars and six rations a day. That the inspector General have five dollars and 12 rations a day. That the pay of the Apothecary General be 3 dollars, and 4 rations a day. That the assistant Apothecaries appointed by the Apothecary General have one dollar and 1/3 per day. That the Purveyors of the hospitals have 2 dollars and 3 rations per day, and that the pay and rations of the hospital Apothecaries, senior Surgeons and Mates of the hospital be the same as formerly established by Congress. That the pay and rations of the senior physicians of each hospital be the same as those of a senior Surgeon.

11. That the pay and rations of the commissaries of the hospitals be the same as the deputy commissaries in the Army.

12. That the pay and rations of the Wardmasters be the same as that of a Commissary.

13. That the pay of the Clerks, Cooks, Nurses, Washerwomen, Servants &c be regulated by the Physicians and Surgeons General.

14. That the pay and rations of a regimental Surgeon be the same as those of a Captain and the pay and rations of a Mate be the same as those of a 1st Lieutenant.

15–16. That no senior Physician, or Surgeon, no hospital Mate, nor shall any regimental Surgeon or Mate be appointed in the Army who has not previously undergone an examination before one or more of the Physicians and Surgeons General, or before the Inspector General of the medical department.

17. That a Sergeants guard be constantly placed at each general hospital to prevent the unnecessary visits of Strangers, and the desertion of convalescent patients, and to assist, if necessary in enforcing the rules, and orders of the Surgeons, and physicians of the hospitals.

18. That the Officers of the several regimental companies to which the sick and wounded belong be ordered to concur by means of their Authority with the Surgeons and physicians in taking care of their respective Soldiers.

19. That the physicians and Surgeons General with the Inspector General of the medical department be authorized to make such further improvements in this plan for regulating the medical department as the exigencies and situation of the Army may make necessary, and that they report the same when made to Congress for their Approbation.

20. That it be recommended to each of the States to make suitable provision for the maintainance of such maimed, and incurable Soldiers and Seamen as shall be discharged from the service of the united States.[1]

Ordered, To lie on the table.

Resolved, That when Congress adjourns this evening, it be adjourned to meet at Philadelphia, on Wednesday next.[2]

Resolved, That 40,000 dollars be paid to the delegates of Maryland, for the use of the State of Maryland, the said State to be accountable:

That 3,000 dollars be advanced to the delegates of Pensylvania, for the purpose of recruiting Colonel Hand's batallion, and that the said sum be charged to the account of the State of Pensylvania.

Whereas the sum of 2,000 dollars was ordered on the 9th of December last, to be advanced to the delegates of New Jersey, for the public service, for which they were

[1] This report, in the writing of Benjamin Rush, is in the *Papers of the Continental Congress*, No. 22, folio 1. Against paragraphs 1, 2, and 4 is written "Query if necessary."

[2] The following motion, in the writing of Samuel Chase, was laid before the Congress on this day, and consideration postponed. It is in the *Papers of the Continental Congress*, No. 36, I, folio 5a.

"*Resolved*, That all the proceedings of Congress be entered on the Journal, and that the same except such parts which a majority shall order to be kept secret, be immediately published, and that on every important Question agitated and debated in Congress the yeas and nays of every member be entered on the Journal if required by any one of the States."

to be accountable; and whereas, the said sum has not yet been advanced, and the business for which it was intended, is performed:

Resolved, That no warrant be drawn in pursuance of the order aforesaid.

Resolved, That 500,000 dollars be advanced to the State of South Carolina, for public service; the said State to be accountable.

Mr. Anderson, the messenger, who brought the letter from Mr. Morgan, being introduced, gave an account of the state of Indian affairs to the westward of the Ohio, and withdrew.

Resolved, That it be recommended to the several legislatures of the United States, immediately to pass laws the most effectual for putting an immediate stop to the pernicious practice of distilling grain, by which the most extensive evils are likely to be derived, if not quickly prevented.

The Committee of Treasury reported,

That there should be advanced 533 30/90 dollars to John Griffith, for sundry provisions, and other necessaries furnished by him for the use of the hospital in Baltimore.[1]

Ordered, That the said sum be paid.

The Board of War brought in a report, which was taken into consideration; Whereupon,

Resolved, That two months' pay be advanced by Jonathan Hudson, Esq. to a detachment of the Virginia 2d and 7th regiments, under the command of Captain Joseph Spencer.

The committee, to whom a motion of Mr. [Abraham] Clark was referred, brought in a report, which was read:

Resolved, That General Washington's proclamation of the day of does not interfere with the Laws or Civil Government of

[1]This report is in the *Papers of the Continental Congress*, No. 136, I, folio 45.

any State; but considering the situation of the Army was prudent and necessary.[1]

Ordered, To lie on the table.

The Committee on Indian Affairs, brought in a report, which was read:

That the Treaty said to be entered into at Easton the 30th day of Jany, 1777, between George Walton and George Taylor Esqrs in behalf of the United States, and certain Indians pretending to be a Deputation from the Six Indian Nations, be disapproved of, as no Powers did exist in either of the Partys to enable them to engage in such Treaty.

That Copys of said Treaty together with the Resolutions of Congress and all other papers relative to said Negotiation be transmitted to the Commissioners of Indian Affairs in the Northern Department, who are directed to take such steps as to them shall appear prudent to prevent any ill effects which may result from said Transaction.

That the said Commissioners make such Enquiry as they shall judge proper, whether any real Uneasiness does exist amongst the Indians of the Six Nations respecting any settlements which they may suppose have been made upon their Lands by the People of these United States, as mentioned in said treaty, and transmit the Result of such Enquiry to Congress.[2]

Ordered, To lie on the table.

Resolved, That the governor and council of Virginia be desired to consider of the propriety of ordering an expedition from the western frontier of that State against the settlement of Indians west of the river Ohio, commonly known by the name of Pluggy's town, and if the said governor and council shall be of opinion, that such an expedition is proper and conducive to the public weal, they are desired to direct the same to be undertaken and executed by their frontier militia, on terms the most frugal and effectual, taking the best precaution in conducting

[1] This report, in the writing of John Adams, is in the *Papers of the Continental Congress*, No. 36, I, folio 5.

[2] This report, in the writing of Oliver Wolcott, is in the *Papers of the Continental Congress*, No. 30, folio 167. It is endorsed as "postponed."

this expedition, not to give offence to any nations of Indians, in friendship with the United States:[1]

That a copy of the information from Colonel G. Morgan, concerning Indian affairs, be transmitted to the governor and council of Virginia.

The Committee on the Treasury, reported,

That there is due to James Long, for attending as door keeper to Congress, from the 23d of December, 1776, to this day, the sum of 67 dollars.[2]

Ordered, To be paid.

Resolved, That the sum of £2,859 2 9, dollars at 8*s* each, be paid to Messrs. Graverod & Visgar, the same being in full of an order in their favour, drawn by Colonel G. Morgan, for goods purchased from them by order of Congress, dated Fort Pitt, February 8, 1777.

Resolved, That William Lux, James Colhoun and David Stewart be appointed to appraise the woollens brought into the port of Baltimore, by the privateer belonging to the State of New York:

That the cloaths and linens when appraised, be delivered to Messrs. Samuel & Robert Purviance, who are directed to have them made up, and to deliver 200 suits of cloaths, and 693 shirts, to the delegates of Maryland, to be charged to that State, and the residue to the Virginia troops, transmitting an account to the cloathier general.

Resolved, That 20,000 dollars be advanced to Jonathan Hudson, Esq. for public service, he to be accountable.[3]

[1] See *Pennsylvania Archives*, First Series, V, 258, 260.

[2] This report is in the *Papers of the Continental Congress*, No. 136, I, folio 43.

[3] "In the *Papers of the Continental Congress*, No. 36, I, folio 6, is the following motion in the writing of Charles Thomson. It is endorsed: "Motion made and seconded, February 27, 1777. Ordered to lie for consideration."

"As the support of the liberties of America and the credit of the paper currency greatly depend upon raising yearly supplies by taxes, and an immediate execution of that measure;

The several matters to this day referred, being postponed,

Adjourned to ten o'clock on Wednesday next, to meet at the State House in Philadelphia.

||During the adjournment,|| the Board of Treasury report ||to the president,|| there should be paid to captain William Galbrith, for expences of a guard to the Carolina prisoners, &c. the sum of £72 16 10, equal to 194 22/90 dollars:

Ordered, Payment of a bill drawn by the committee ||of Congress|| in Philadelphia, dated February 18, 1777, in favor of Stephen Moylan, 3,000 dollars for the service of recruiting his regiment, agreeable to a warrant from General Washington; to be charged to Colonel Stephen Moylan (p'd Mr. [William] Lux). ||which bill was endorsed to and presented by Mr. W. Lux:||

Ordered, Payment of a bill, drawn by committee at Philadelphia, dated February 18, 1777, in favor of Colonel Stephen Moylan, for the service of recruiting his regi-

"*Resolved*, That it be recommended to the several States, to raise by an immediate taxation and remit to the Treasury, as much as the circumstances of their respective inhabitants will possibly admit; that it be submitted to the serious consideration of the legislative bodies of the several States, whether larger sums, and with greater ease may not be raised on their inhabitants by assessment every 6 months, and by taking produce or cash as shall best suit the payer.

"That each State shall have credit in the continental treasury books for the sums remitted, and in the settlement of the continental accounts and establishing the quotas, interest at 6 per cent per an. on the sums remitted shall be taken into the account."

In the same volume, folio 7, is the following motion, in the writing of Samuel Chase. It is endorsed: "A motion made and seconded February 27, 1777. Ordered to lie on the table."

"*Resolved*, That be authorized to lay up in safe Granaries under the care and management of trusty persons at or near Merchant Mills, convenient to Water Carriage, a Quantity of good, clean, sound and merchantable wheat, not exceeding one hundred thousand bushels, and that the said be allowed at the rate of 2½ per cent for his trouble in purchasing and collecting the same, besides the Charge of Collecting, the expense of Granaries and the wages of the proper persons to take care of the grain."

ment, agreeable to a warrant from General Washington, to be charged to Colonel Moylan (pd. to Captain David Plunket) for 3,000 dollars ||and the same being endorsed to, and presented by captain David Plunket, the president ordered the payment, and reported the same to Congress on the 24th of March, and the same was confirmed.||

Passed in Congress at Philadelphia March 24, 1777.

J H[1]

Congress being adjourned ||on the 4th, and from thence,|| from day to day, met March 12.

PHILADELPHIA.

WEDNESDAY, MARCH 12, 1777

The delegates of Pensylvania produced credentials of their appointment, which were read as follows:

This may certify Congress, that the following gentlemen were duly elected in and by a full house of the general assembly of the commonwealth of Pennsylvania, to serve as delegates in the Continental Congress for the present year, to wit: Benjamin Franklin, Robert Morris, Daniel Roberdeau, Jonathan B. Smith, George Clymer and James Wilson. Witness my hand, the 10th of March, 1777.

(Signed) JOHN JACOBS, *Speaker.*

The delegates of Massachusetts laid before Congress farther powers received from their constituents, which were read as follows:

STATE OF MASSACHUSETTS BAY.

IN THE HOUSE OF REPRESENTATIVES, *February 4, 1777.*

Whereas, the Commission given the Delegates in Congress, Representing this State, by a Resolve of the 10th of December last, Confines

[1] These recess entries are in the writing of John Hancock.

the exercise of their Representation and Powers to any three or more of them, from which many Inconveniences may arise, and their Vote in Congress may be lost on any Question, when only two are present; and one may Controul two when three are present, and the same Effect take place: It is, therefore, *Resolved*, That any two or more of the said Delegates, Representing this State in Congress, being the major part present, be, and hereby are, vested with all the powers with which any three or more of the said Delegates were vested by the said Resolve of the 10th of December last; and the Secretary is hereby Directed, as soon as may be, to furnish each of the Delegates from this State with an Attested Copy of this Resolve.

Sent up for Concurrence.

J. Warren, *Speaker.*

In Council, *February 4, 1777.*

Read and Concurred.

J. Avery, *Deputy Secretary.*

Five letters from General Washington, of the 20, 23, 28 February, 1, and 6 of March;

Four letters from General Schuyler, of the 4, 8, 15, and 24 February;

A memorial from Baron de Arendt;

A letter from General Gates, with a list of Canadian officers; one from Mr. Bowdoin, respecting Monsieur Faneuil;

And one from John Visscher;

One from P. Henry, jr. and John Page, respecting two German officers; also, a letter from Lieutenant Colonel John Brown, enclosing a resignation of his commission;

One, of the 3d, from Lord Stirling;

One from General Stephen; and one from General Lincoln, acknowledging the receipt of their commissions as major generals; and one from J. Cadwalader, declining his appointment as brigadier general;

One, of the 24 February, from Colonel Stewart, respect-

ing the purchase of cannon, were read and referred to the Board of War.[1]

One of the 28th of February, from General Gates, respecting the office of adjutant general was read:[2]

Ordered, That this be taken into consideration to morrow.

An appeal being lodged from the judgment of the court of admiralty at Georgia, against the sloop *Polly*, Alexander M'Austan, commander;

Ordered, That it be referred to the standing committee for determining appeals.

An account of advances by the State of Rhode Island, was laid before Congress:[3]

Ordered, To lie on the table.

A letter from the Council of Safety of Pensylvania was read, respecting the complaints of the troops from Ticonderoga, ||on account of their|| not being paid:[4]

Ordered, That it be referred to the committee who was appointed to confer with General Gates.

[1] The letters of Washington are in the *Papers of the Continental Congress*, No. 152, III, folios 537, 545, 553, 559, and 575. All but one (dated 28th) are printed in *Writings of Washington* (Ford), V, 244–274. Those of Schuyler are in No. 153, III, folios 19, 88, 100, 114; that of De Arendt in No. 41, I, folio 9; that of Gates in No. 154, I, folio 139; that of Stirling in No. 162, folio 523; that of Stephen in No. 78, XX, folio 101; that of Lincoln in No. 158, folio 163, and that of Cadwallader in No. 78, V, folio 79. That of Henry is in No. 71, I, folio 109.

In No. 152, III, folio 541, is a letter of Washington to the Board of War, with the following endorsement:

"This letter to be read in Congress and enquiry to be made whether any Member remembers the Resolves of Congress respecting the Bounty of Land to be allowed Soldiers, &c. The General is of opinion the 100 Acres Bounty is to be granted to those enlisting for three Years. The Board of a different Opinion."

[2] This letter is in the *Papers of the Continental Congress*, No. 154, I, folio 135.

[3] Jacob Greene and David Hoel [Howell?] were sent by Rhode Island to go to Baltimore to lay before Congress the accounts of that State against the Continent. See *Papers of the Continental Congress*, No. 64, folios 374–390.

[4] This letter, dated March 10, is in the *Papers of the Continental Congress*, No. 69, I, folio 331.

Resolved, That 400,000 dollars be paid to the State of Rhode Island, which is to be accountable; and that the same be paid by an order of the President on the auditor general for 200,000 dollars, by one on the commissioner of the loan office in the State of Rhode Island, for 60,000 dollars, and by one on the treasurer, for 140,000 dollars; this last sum to be paid out of the emission last ordered to be issued.

Resolved, That three members be added to the standing committee for hearing appeals:

The members chosen, Mr. J[ohn] Adams, Mr. [George] Read, and Mr. [Thomas] Burke.

Resolved, That an order be drawn on the auditor general, for 10,000 dollars, to be paid out of the lottery money to James Mease, and the same be subject to the orders of General Gates.

Resolved, That it be recommended to the legislatures, or, in their recess, to the executive power of each of the United States, to cause assessments of blankets to be made, in order to furnish their several quotas of soldiers with an article so necessary to defend them from the inclemency of the weather and damp air, in their encampments; and that all blankets to be obtained in this manner, be valued at a just and reasonable price, and paid for by the states respectively, to be repaid by the United States: and that the legislature, or, in their recess, the executive power, do cause money to be put into the hands of a proper officer in every county, district, or township, in order that such blankets may be paid for, without delay or trouble, to the housekeepers on whom the assessments shall be made.[1]

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

[1] This resolve was published in the *Pennsylvania Packet*, 18 March, 1777.

THURSDAY, MARCH 13, 1777

A petition from Richard Howson was read, praying for leave to go to New York, in order to get a passage for England:[1]

Resolved, That the prayer of the petition be granted.

A letter from Lord Howe to the committee of Congress at Philadelphia, respecting the exchange of Captain Jones, and the capture of the brig *Lexington* by the *Pearl* frigate, was read:

Ordered, That it be referred to the Marine Committee.

The Board of War brought in a report, which was taken into consideration; Whereupon,

Resolved, That a letter be written by the president to Colonel Stephen, of the 10th Virginia regiment, ordering him to purchase eighty stand of arms, or as many more as can be procured, of Mr. James Hunter, of Fredericksburg, in Virginia; the colonel to be empowered to draw for the amount on the deputy pay master general of the southern department.

Congress being informed that there are in the public armoury, in the State of Virginia, a number of arms, to the amount of about three hundred stand, belonging to the said state:

Resolved, That a letter be written by the president to the governor and council of Virginia, requesting them to furnish the batallion, commanded by Colonel Stephen, now at Fredericksburg, with the arms now in that place, and as many more as can be procured, for which they shall either be paid, or have the same number, equally as good, returned, at their election.

That the Council of the Massachusetts State erect at the Expence of the United States in some convenient place in the County of Worcester in said State, Barracks with a Stockade or enclosure surrounding

[1] This petition is in the *Papers of the Continental Congress*, No. 42, III, folio 349.

the same, capable of containing 1,500 Prisoners, to be built of wood, as may appear to them most conducive to the public service and in the end least expensive to the Public.

Whereas applications are frequently made to Congress for employment in the continental army by gentlemen from Europe of various nations, who may very probably have great merit, but, not understanding our language, can be of no use in the army of these States; therefore,

Resolved, That the Committee of Secret Correspondence be directed forthwith to write to all their ministers and agents abroad, to discourage all gentlemen from coming to America with expectation of employment in the service, unless they are masters of our language, and have the best recommendations.

Resolved, That the two German Officers mentioned in the Letter of his Excellency Governor Henry, not understanding our Language, cannot be provided for by Congress in the Army of the United States.

Resolved, That Major Marlet ought be paid for the time that he was employed in the American service as major and captain in Canada, which is referred to the Board of Treasury for settlement.[1]

Mr. Winters, of Maryland, who has carried on a manufactory of small arms, having offered his service to the Continent,

Ordered, That he be referred to the Board of War.

A petition from Lewis Prahl, gunsmith, was read, praying the discharge of two recruits, gunsmiths by trade, from their inlistment, in order to enable him to employ them in the said business:[2]

Ordered, That the same be referred to the Board of War.

A memorial from Robert Erwin, waggon master, was read, praying an allowance for his expence and trouble:

[1] This report is in the *Papers of the Continental Congress*, No. 147, 1, folio 95.

[2] This petition is in the *Papers of the Continental Congress*, No. 42, VI, folio 140. The two gunsmiths were Stephen Smith and John Bay.

Ordered, That it be referred to the Board of Treasury.

Resolved, That a committee of five be appointed to confer with General Gates upon the general state of affairs:[1]

The members chosen, Mr. [Daniel] Roberdeau, Mr. L[ewis] Morris, Mr. [Roger] Sherman, Mr. [William] Whipple, and Mr. [James] Lovell.

The Board of Treasury brought in a report, which was taken into consideration; Whereupon,

Resolved, That three commissioners be appointed to examine such claims against the United States, as ~~cannot be adjusted in other Departments.~~ may be presented to Congress for payment:

That they constantly keep their office in the city or place where Congress shall, from time to time, be assembled and hold their session:

That they carefully avoid passing any accounts that ought to be adjusted in other departments, unless directed thereto by Congress or the Board of Treasury, in which cases, they are to send to the office or department where the same should have been settled, a copy of such accounts, and the allowance made thereon by Congress:

That they certify the sums to be allowed on accounts examined by them, and render the same to the auditor general, to be by him reported to Congress.

That the Sum of Sixty Dollars p. month be allowed to each the Commissioners of Accounts whilst employed the Service of the United States. Postponed.[2]

A memorial from Christopher Ludwig, respecting the Hessian prisoners, was read:[3]

Ordered, That it be referred to the committee appointed to confer with General Gates.

[1] Some papers by Gates, submitted to this committee, are in the *Papers of the Continental Congress*, No. 154, II, folios 373–385.

[2] This report, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 136, I, folio 49. See under March 25, *post*.

[3] This memorial is in the *Papers of the Continental Congress*, No. 41, V, folio 175.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

FRIDAY, MARCH 14, 1777[1]

Rhode Island not represented untill 11 o'Clock.[2]

A letter from John Trumbull, deputy adjutant general for the northern department, enclosing his commission, was read and referred to Board of War; also one from John Lawrence, commissioner of the loan office for Connecticut respecting his salary;

A letter from Mons. Vernejous, with one from General Sullivan, recommending him were read and referred to the Board of War.

A letter from James Price, praying to be authorized to draw on the treasury for the balance of the accounts due to Price and Haywood, were read and referred to the Board of Treasury.

A letter from Joseph Trumbull, commissary general, of the 5th March 1777, was read and referred to the Board of Treasury.[3]

A letter from Governor Trumbull, 21 February, 1777, was received and read.[4]

Ordered, That two months' pay and rations be paid to Monsr. Lotbiniere, as chaplain, from the 10th of January last. Drew an order on Mr. Hillegas for 82 60/90 dollars.[5]

Resolved, That the bills drawn by the treasurer of North Carolina on the continental treasury, be paid as part of

[1] The entries in the Journal from March 14 to March 22, inclusive, are in the writing of Jacob Rush, of the Secretary's Office.

[2] In MS. of John Hancock.

[3] The letter of John Trumbull is in the *Papers of the Continental Congress*, No. 78, XXII, folio 215; that of Laurance, dated February 14, is in No. 78, XIV, folio 155; and that of Vernejous in No. 160, folio 27.

[4] This letter is in No. 66, I, folio 289.

[5] This last sentence is in MS. of John Hancock.

the five hundred thousand dollars ordered to be advanced to that State the 5th of February last.

Ordered, That the bill drawn by Governor Trumbull, for twenty-five thousand dollars, in favour of Nathaniel Shaw, be paid and charged to the State of Connecticut.

Ordered, That Mr. Carpenter Wharton be directed to lay his accounts before the Board of Treasury.

Ordered, That a committee of three be appointed to enquire into the conduct of the commissaries,[1] and that they be empowered to send for and examine such persons as they may judge necessary to such enquiry:

The members chosen, Mr. Lewis Morris, Mr. [Abraham] Clark, and Mr. J[onathan] B[ayard] Smith.

The Board of War brought in a report, which was taken into consideration; Whereupon,

Resolved, That Mons. Faneuil's scheme for officering, arming and cloathing a corps of Frenchmen, to be raised in the French islands, to serve in the United States, as mentioned in General Washington's letter of the 20th of February, be disapproved:

That General Washington be acquainted, it is the opinion of Congress, no commissions should be granted to foreign officers, to serve in these states, unless they are well acquainted with our language, and bring strong credentials of their abilities:

That a Copy of the Resolution of Congress, passed yesterday, discouraging Foreign Gentlemen coming over to America to serve as Officers in the Army of the United States, without being acquainted with our Language, be transmitted to General Washington.

That General Washington be informed, no provision has been made by Congress for the support of widows, whose husbands have been slain in battle.

Ordered, That the letters to Congress, with the enclosures from General Washington, of the 1st and 6th inst.

[1] This phrase is in the MS. of John Hancock.

be referred to the consideration of a committee of the whole House.

That the pay list transmitted by the General for the establishment of Colonel Sheldon's regiment of cavalry, be approved of, which is as follows:

	Pay per month.
Lieut. col. commandant of horse,	75 dollars.
Major,	60
Captain	50
Lieutenant,	33 1/3
Cornet,	26 2/3
Adjutant,	33 1/3
Quarter master,	16 2/3 dollars.
Serjeant,	15
Corporal,	10
Trumpeter,	10
Private,	8 1/3

That the list of officers and privates transmitted by the General as necessary to compose every regiment of cavalry to be raised for the defence of these United States, be approved of, which is as follows:

For a regiment of horse:

	Pay per month.
1 Colonel,	93 1/3 dollars.
1 Lieutenant-colonel,	75
1 Major,	60
1 Chaplain,	50
1 regimental Quarter master,	50
1 Surgeon,	60
1 Surgeon's Mate,	40
1 Pay master,	50
1 Riding Master,	33 1/3
1 Saddler,	10
1 Trumpet major,	11
1 Adjutant	
4 Supernumeraries armed only with swords and pistols	
6 Troops, each consisting of	
1 Captain,	50 dollars.
1 Lieutenant,	33 1/3
1 Cornet,	26 2/3
1 Quarter master serjeant,	15
1 Orderly [Drill] serjeant,	15
1 Trumpeter,	10
1 Farrier,	10
4 Corporals, each,	10
32 Privates, each,	8 1/3
1 Armourer[1]	

[1] John Hancock has written on the margin: "The papers referred to in these two resolutions sent back to Gen. W[ashington]."

||Note. The pay of the farrier and saddler being less than such persons can be had for, a small stoppage from the men's pay must be made and given in aid, as is usual in the British service.||

Resolved, That Mr. Nathaniel Barber, junior, deputy commissary of artillery in the eastern department, receive for his pay 33 1/3 dollars per month, and three rations ||a day.||[1]

Congress resolved itself into a committee of the whole to take into consideration the letters from General Washington of the 1st and 6th inst., with the enclosures, and after some time spent thereon, the president resumed the chair, and Mr. L[ewis] Morris reported, that the committee has had under consideration the matters referred to them, and had come into a resolution on the subject, which he was ordered to report:

The report being read, was agreed to, as follows:

Resolved, That General Washington be informed, that Congress cannot agree to any alteration in the resolve passed on the 6th of January, 1777. And, as to the complaints of Colonel Campbell, it was never their intention that he should suffer any other hardship than such confinement as is necessary to his security for the purpose of that resolve:

Resolved, That a copy of the above resolve, together with a copy of the letter from Colonel Campbell to General Washington, be sent to the council of Massachusetts Bay:

Resolved, That a copy of the letter from Colonel Campbell to General Washington be sent to Captain ||J.|| Bradford.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow Morning.

[1]This report is in the *Papers of the Continental Congress*, No. 147, I, folio 99.

SATURDAY, MARCH 15, 1777

Massachusetts not represented until 11 o'Clock.

Connecticut not represented until 20 minutes after 11.

Delaware not represented until ½ after 12.

A letter, from General Wayne, dated 2d March, was read; and referred to the Board of War, together with the several enclosures.[1]

Resolved, That 50,000 dollars be advanced to Mr. Carpenter Wharton; he to be accountable.

Resolved, That 100,000 dollars be advanced to Mr. James Mease, ||clothier general;|| he to be accountable.

Resolved, That 5,000 dollars be advanced to the State of Delaware; the said state to be accountable.

The Board of War brought in a report, which was taken into consideration; Whereupon,

Resolved, That as Congress proceeded to the dismission of Doctor Stringer, upon reasons satisfactory to themselves, General Schuyler ought to have known it to be his duty to have acquiesced therein:

Resolved, That the suggestion in General Schuyler's letter to Congress, that it was a compliment due to him to have been advised of the reasons of Doctor Stringer's dismission, is highly derogatory to the honour of Congress; and that the president be desired to acquaint General Schuyler that it is expected his letters, for the future, be written in a stile more suitable to the dignity of the representative body of these free and independant states, and to his own character as their officer.

Resolved, That it is altogether improper and inconsistent with the dignity of this Congress, to interfere in disputes subsisting among the officers of the army; which ought to be settled, unless they can be otherwise accom-

[1]This letter is in the *Papers of the Continental Congress*, No. 161, folio 201.

modated, in a court martial, agreeably to the rules of the army; and that the expressions in General Schuyler's letter of the 4th of February, "that he confidently expected Congress would have done him that justice, which it was in their power to give, and which he humbly conceives they ought to have done," were, to say the least, ill-advised and highly indecent.

Resolved, That an extract of those parts of General Schuyler's letter of the 4th of February, which relate to the state of the garrison of Ticonderoga, be transmitted by the Board of War to General Washington.

That the resignation of Lieutenant Colonel John Brown, of Colonel Elmore's regiment, raised in the state of Connecticut, be accepted.[1]

The Board of Treasury brought in a report, ||which was taken into consideration;|| Whereupon,

That the Ballance due to Messrs. Price and Haywood in Specie, together with the Interest arising therefrom, be paid by Bills of Exchange, to be drawn by the president on the Commissioners in France, upon Advices from them, that the Money applied for by Congress has been obtained, and that the said Messrs. Price and Haywood be notified by the president, when the Bills are ready.[2]

Resolved, That the commissioners in the northern department make an allowance to James Price, Esq. for the time which he acted as deputy commissary general in Canada.[3]

That there should be advanced to Joseph Trumbull, Esq. commissary general, the sum of four hundred thousand dollars by a warrant of 50,000 dollars on the commissioner of the loan office, for the State of New Hampshire; and 350,000 dollars by a warrant on John Gibson, Esq. auditor general:

[1] This report is in the *Papers of the Continental Congress*, No. 147, I, folio 103.

[2] Recommitted. See under April 1, 1777.

[3] This report, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 136, I, folio 89.

That there should be advanced to James Stevenson, Esq. one of the commissioners of accounts for the middle department, the sum of 600 dollars by a warrant on the commissioner of the loan office for the state of Connecticut, he to be accountable.

||*Resolved*,|| That there should be paid to Allen M'Donald, Alexander, Archibald, Reynold and Allen M'Donald, Junr. for the allowance of two dollars per week, due to them, and the allowance due to their three servants, at 10/ per week, from the 18th of December to the 12th of March, being 12 weeks, the sum of 168 dollars.[1]

Resolved, That the sum of 300 dollars be paid to the Rev. Mr. James Caldwell, of the state of New Jersey, for extraordinary services.

A petition from William Barnard, setting forth, that he sailed from England, in the month of November last, as mate of the brigantine *Hanover*, bound for St. Augustine, commanded by John Pinkham, and that, on the passage, the said Barnard, with the crew, consisting of six persons, all inhabitants of these United States, was read, praying that the said brig and her cargo having been seized by said Barnard and crew, and carried into North Carolina, might be distributed as prize among them: Whereupon,

Resolved, That said petition, with the papers enclosed therein, be referred to the Marine Committee.

The Marine Committee reported to Congress, that there are several very fine prize ships in the state of Massachusetts Bay, very suitable for the service of the Continent, and which might be fitted out at a small expence; and recommended to Congress, that they should be empowered to purchase three of said ships for the purpose aforesaid;

[1] This report, without the first paragraph, is in the *Papers of the Continental Congress*, No. 136, I, folio 51.

and also recommended to the notice of Congress, Captain Daniel Waters, and Captain Samuel Tucker, who were early employed by General Washington in cruising vessels, and were very successful, and are strongly recommended by the General and others, ||are, in their opinion, proper to be appointed to the command of two of them:|| Whereupon,

Resolved, That the Marine Committee be empowered to give directions to the agents to purchase three ships, and order them immediately to be armed and fitted out for the service of the United States, to be under the direction of the Marine Committee.

Resolved, That Daniel Waters and Samuel Tucker be appointed captains in the navy of the United States, and that they have the command of two of the ships ordered to be purchased; and that the command of the other ship be given to Captain John Paul Jones, until better provision can be made for him.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock Monday morning.

MONDAY, MARCH 17, 1777

Delaware State being unrepresented, and but eight states attending, ||the several matters to this day referred were farther postponed, and Congress|| adjourned to 10 o'Clock to Morrow morning.

TUESDAY, MARCH 18, 1777

Only eight states attending ||this day, the matters referred over were farther postponed, and Congress|| adjourned to 10 o'Clock to Morrow morning.[1]

[1] This entry is in the writing of John Hancock.

WEDNESDAY, MARCH 19, 1777

Sundry letters were read, viz: 1 from Doctr. Franklin, dated Nantes, October 8 (instead of December 8th), 1776.

One, from Mr. Atlee, ||of Lancaster,|| with the plan of stockade and barracks ||in that place;|| was read, and referred to Board of War.

One, from General Ward, dated Boston, March 4th, 1777; 1 from Mons.r Roche, 1 from Mons.r Faneuil, 1 from Mons.r ———; 2 from Governor Livingston, ||of New Jersey||; one from General Mifflin; a letter from Henry Fisher, ||at Lewestown,|| to the council of safety of Pensylvania, was read, and referred to the Board of War.

A memorial from Jonathan Hastings respecting his salary as postmaster,[1] was read:

Ordered, To lie till the report on the post office be taken up.

A letter from General Washington, dated 14th March, was read and referred to Board of War.[2]

A letter, from colonel Morgan, agent at Fort Pitt, dated March 2d and 9th, 1777, was read, and referred, with the inclosures, to the commissioners for Indian affairs.

A petition from Thomas Henegan was read and referred to the salt petre committee.

Resolved, That the sum of 100,000 dollars be advanced to the State of New Jersey; the said State to be accountable.

Resolved, That 100,000 dollars be advanced to the State of Pensylvania; the said State to be accountable.

[1] This memorial is in the *Papers of the Continental Congress*, No. 41, IV, folio 13.

[2] This letter is in the *Papers of the Continental Congress*, No. 152, III, folio 595. It is printed in *Writings of Washington*, V, 285. The letter of Franklin is printed in *Diplomatic Correspondence of the American Revolution* (Wharton), II, 220. The Atlee letter and plan are in No. 60, folio 445; those of Livingston are in No. 68, folios 243, 247, and 251; that of Fisher is in No. 78, IX, folio 55; and that of Faneuil in No. 78, IX, folio 65.

Resolved, That a committee of three be appointed to enquire into the state of the French officers, and that all applications of foreigners for employment in the army be referred to them:

The members chosen, Mr. [James] Lovell, Mr. [Thomas] Heyward, and Mr. [Daniel] Roberdeau.

The Board of War brought in a report, Whereupon,

Resolved, That the sum of ten thousand dollars be advanced to Colonel William Grayson, according to his request, in his letter to the secretary of this board of the 7th instant; to be sent by the hands of Mr. Thompson, as desired in the same letter; Colonel Grayson to be accountable:

||*Ordered*, That the said sum be advanced.

In consequence of a farther report from the Board of War,||

That the baron de Arendt be appointed to the command of the German battalion in the room of Colonel Haussegger.

Ordered, That the Committee of Secret Correspondence write a respectful letter to the General de Kalb, thank him for his obliging offer, and decline accepting it at present.

~~That the Prayer in the Petition of Lewis Prahl be granted, and that Stephen Smith and John Bay be discharged from the Continental Service, upon Condition that they repay to the Secretary of this Board, for the Use of the United States, the Money they have received for Bounties, Cloathing and Pay.~~

That a Commission be sent Mr John Trumbull as Deputy Adjutant General for the Northern Department, bearing Date the 28th day of June, 1776, that being the Time when he was appointed to that Office by General Gates.

Ordered to lie

That Major General Lord Stirling be informed, that, as no losses sustained by officers have hitherto been repaired by the public, Congress cannot grant his request, lest a dangerous precedent should be established.

That the part of General Schuyler's letter of the 15th of February last, relating to ship carpenters wanted in the northern department, be referred to the Marine Committee.

That an extract of General Schuyler's letter of the 4th of February last, relating to stores wanted from the eastern department, be transmitted to General Washington, and that he be directed to give orders for the supply of such stores as are wanted in the northern, and which can be procured from the eastern department, and are not already appropriated.[1]

That John Schrop be appointed second lieutenant, and Bartholomew Van Heer, adjutant, in the corps commanded by Major Ottendorf.[2]

A petition from William Garnett, George Patton, and Robert Brown, praying for leave to return to some of the West India Islands, was read;[3]

Resolved, That the prayer of the petition be granted.

Resolved, That Mr. [Jonathan Dickinson] Sergeant be excused from serving on the Marine Committee, and that Mr. [Abraham] Clark be added ||to the said committee|| in his room.

Resolved, That the extract of Mr. Deane's letter, relative to Dr. Williamson, be referred to a committee of five, who are empowered to send for Dr. Williamson and examine him:

The members chosen, Dr. [John] Witherspoon, Mr. [Jonathan Bayard?] Smith, Mr. [George] Clymer, Mr. [James] Wilson, and Mr. [Thomas] Heyward.

[1] This report, in the writing of Richard Peters, is in the *Papers of the Continental Congress*, No. 147, 1, folio 107.

[2] This was based upon a report of the Board of War, in the writing of Richard Peters, in No. 147, I, folio 109.

[3] This petition is in the *Papers of the Continental Congress*, No. 42, III, folio 187. It is endorsed seven ayes, two noes.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

THURSDAY, MARCH 20, 1777

Sundry letters were read, viz. one, from Governor Trumbull, dated Lebanon 3d March, 1777; and two, of 10th March, enclosing two ||intercepted|| letters, 1 from Governor Wentworth; the other from John Cockran:[1]

Ordered, That Governor Trumbull's letter be referred to Marine Committee; and the intercepted letters to the Committee of Intelligence.

A letter from Mons. de Bowdes was read and referred to the Committee appointed to consider the state of the French Officers.[2]

A letter from General Gates respecting Colonel John Trumbull, was read.[3]

A letter, brought by General Greene, from General Washington, dated 18th March, was read:[4]

Ordered, That General Greene attend Congress to morrow, at 11 o'clock.[5]

A letter from General Putnam, dated Princeton, March 17th, enclosing 1 from William Bowen to Captain Leech, were read.[6]

[1] These letters of Trumbull are in the *Papers of the Continental Congress*, No. 66, I, folios 293, 297, and 319.

[2] The letter of Bordes is in the *Papers of the Continental Congress*, No. 78, II, folio 155.

[3] This letter is in the *Papers of the Continental Congress*, No. 154, I, folio 147. It is dated March 19.

[4] This letter is in the *Papers of the Continental Congress*, No. 152, IV, folio 1. It is printed in *Writings of Washington* (Ford), V, 292.

[5] This paragraph is in the MS. of John Hancock.

[6] This letter is in the *Papers of the Continental Congress*, No. 159, folio 39. The enclosure was from William Boyce.

Resolved, That Mr. J. B. Smith who was appointed a manager of the lottery, be excused, he being appointed a member of Congress.

Resolved, That three managers be added to those already appointed, and that to morrow be assigned for this purpose.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow morning.

FRIDAY, MARCH 21, 1777

Resolved, That the bill, dated 24th February, 1777, drawn by Colonel Daniel Morgan, of Virginia, on the President, in favor of Gamal Dowdell, for six hundred and twenty five pounds, Pensylvania currency, ||equal to 1,666 60 dollars,|| be paid, the said money having been advanced to Colonel Morgan for the pay of the troops under his command, for which Colonel Morgan is to be accountable.

Resolved, That the sum of sixteen hundred dollars be advanced to Thomas Butler, continental armourer; he to be accountable:

Resolved, That a new order for the sum of 13 1/3 dollars in favour of Mr. Timothy Shaler, be drawn.

A petition from Levy Marks, to be appointed to superintend the cloathing making up for the troops, was read, and referred to the cloathier general.

A petition from George Folger, Seth Jenkins, and Alexander Coffin, respecting some hard money, and other articles said to be detained from them by the owners of the privateer *Congress* was read, and dismissed;

the matter belonging to the court where the judgment was given.

Resolved, That the letter from Colonel Stewart to the committee on the affairs of the northern department be referred to the Board of War.

Resolved, That the committee appointed on the 13th day of March to confer with General Gates, be also a committee to confer with General Greene on the several matters given in charge to him by General Washington, and that three members be added to the committee:

The members chosen Mr. [James] Wilson, Mr. S[amuel] Adams, and Dr. [John] Witherspoon.

The committee appointed to consider the State of the French officers ||on foreign applications,|| brought in a report, ||which was read and considered;|| Whereupon,

Resolved, That a copy of the resolve of Congress of the 13 instant with a certificate signed by the secretary, setting forth, "That it is wholly and only upon the grounds mentioned in the said resolve, that the bearer is not employed by these United States," be given to the Chevalier de Bourneuf, Mons. de Bordes, Mons. de Luce, Mons. de Baury, Mons. Devermond, Mons. du Vernis, the Chevalier de Colones, [Celeron?] and Mons. Faneuil; and that the committee aforesaid be empowered to order a like certificate to such other foreigners applying for rank in the Continental army ||of the United States,|| as they think proper.

Resolved, That the Count de Mountford be recommended to General Washington for a brevet of a lieutenantcy.

Ordered, That three hundred dollars be granted to Mons. Faneuil, to free him from those embarrassments which he has been brought into by pursuing his own

great desire to enter into the service of these United States, in consequence of advice from the assembly of Massachusetts Bay and from General Washington.[1]

Resolved, That 100,000 dollars be advanced to Mr. James Mease, cloathier-general: he to be accountable.[2]

Resolved, That one million of dollars be sent by the Continental treasurer to ||John Gibson, esq.|| the auditor general; the said money to be subject to the order of Congress, and the auditors to be accountable.

Resolved, That 30,000 dollars be advanced to Mr. Richard Dallam, deputy pay master general of the flying-camp; he to be accountable.

The Board of War brought in a report, ||which was read and considered;|| Whereupon,

Resolved, That 500,000 dollars be sent to the pay master general immediately.[3]

That Copies of the Plan of the Barracks and Stockade at Lancaster in Pennsylvania, be sent to the different Places where Barracks for the reception of Prisoners are ordered to be built.

To Ile

That for preventing unnecessary expence, when the militia of any of the States is called to serve in the pay of the United States, no more officers shall be entitled to pay than a proper number in proportion to the privates, viz. for every company consisting of not less than thirty-six and under fifty privates, two commissioned officers; for every company not less than fifty and under sixty-eight privates, three commissioned officers; for every

[1] The last clause of the original report read: "Advice and Encouragement given to him by some highly respectable friends to the American Cause." The report, in the writing of James Lovell, is in the *Papers of the Continental Congress*, No. 25, I, folio 13.

[2] "I drew an order on Mr. Smith, Commissioner of the Loan Office, for this sum, dated 22d. March." *Note by John Hancock.*

[3] "Drawn for in two Orders. The last of April 22d." *Note of John Hancock.*

company of sixty-eight or more privates, four commissioned officers; and for every battalion of five hundred and more privates, three field officers; for every battalion under five hundred, and not less than three hundred privates, a lieutenant colonel and major; and for any number of privates above one hundred and fifty and under three hundred, one lieutenant colonel or major. To be published.[1]

Resolved, That General Sullivan's letter, relative to Monsieur Vernejous, be referred to the Committee appointed to confer with the French gentlemen ||on foreign applications.||

Ordered, That General Mifflin's plan, with two letters from General Washington, for regulating the duty of the quarter-master's department, be referred to the committee appointed to confer with ||General Gates, and|| General Greene.[2]

The part of the report of the Board of War of the 12th instant, which was postponed, was taken up and reconsidered: Whereupon,

Resolved, That the Council of Massachusetts State, erect, at the expence of the United States, in some convenient place in the county of Worcester, in said State, barracks, with a stockade or enclosure surrounding the same, capable of containing 1,500 prisoners, to be built of wood, as may appear to them most conducive to the public service, and, in the end, least expensive to the public.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

[1] It appeared in the *Pennsylvania Packet*, 25 March, 1777.

[2] This report is in the *Papers of the Continental Congress*, No. 147, I, folio 111.

SATURDAY, MARCH 22, 1777

A letter, signed John Ross, dated New York, [ ] was intercepted, and read.

The Board of War brought in a report, ||which was read and considered;|| Whereupon,

Resolved, That 300,000 dollars be put into the hands of Major General Mifflin, for the use of the quarter master's department; he to be accountable.[1]

That 42 dollars be paid to Mr. William Sproat, being a balance due to him for his services as clerk to the Board of War.[2]

Ordered, That the petition from Robert Lilly, with the annexed account, be referred to the Board of Treasury.

Resolved, That two members be added to the Board of Treasury:

The members chosen, Mr. Jonathan B[ayard] Smith, and General [Lewis] Morris.

Ordered, That the managers of the lottery of the United States, draw the same, agreeable to the mode usually practised in the state lotteries in Europe, and frequently used in large lotteries in America, by putting all the numbers in one wheel, and the prizes only in the other.

Congress proceeded to the choice of three additional managers of the United States, lottery; and, the ballots being taken,

John Ord, Robert Ritchie, and James Budden, were elected. Ordered to be published.[3]

Resolved, That the bill dated 9th March, 1777, drawn by William Palfrey, pay master general, for three thou-

[1] "April 5, 1777. Gave an order for 100,000 Dollars in part of this order. April 15, gave an order for 200,000." *Note by John Hancock.*

[2] This report is in the *Papers of the Continental Congress*, No. 147, I, folio 115.

[3] This was published in the *Pennsylvania Packet*, 25 March, 1777.

sand dollars in favor of John Ramsey, be paid, and charged to the account of the pay master general.

The report of the Medical Committee was taken up and considered; ||and, after debate,|| Whereupon,

Resolved, That said report, together with Dr. Shippen's plan, be recommitted.

Resolved, That a committee of five be appointed to devise ways and means for preserving the health of the troops, and for introducing better discipline into the army:

The members chosen, Mr. [Oliver] Wolcott, Mr. [Daniel] Roberdeau, Dr. [John] Witherspoon, Mr. S[amuel] Adams, and Mr. [Abraham] Clark.

Resolved, That the Board of War be empowered to send for Mr. Wheeler, and contract with him, for a number of cannon of the new construction, invented by said Wheeler.

Resolved, That one million of dollars be sent, by the continental treasurer, to the auditor general, the said money to be subject to the order of Congress; the auditor general to be accountable.

The Committee on Departments, brought in a report, ||which was read and considered;|| Whereupon,

Resolved, That a secretary's office be forthwith established, and constantly kept in or near the state house or building where Congress shall, from time to time, hold its session:

That it be under the direction of the secretary, and provided with a deputy secretary, to be appointed by Congress, with a salary of eight hundred dollars per year, and such a number of clerks as Congress shall direct, to be appointed by the secretary, with a salary of four hundred and eighty dollars each:

That the secretary, deputy secretary, and clerks, before entering upon their office, shall severally take an oath, to

be administered by the president, "well and faithfully to execute the trust reposed in them, in their respective capacities, according to their best skill and judgment, and to disclose no matter, the knowledge of which shall be acquired in consequence of such their office, that they shall be directed to keep secret;" also the oath prescribed for officers of the army, and passed by Congress the 21st day of October, 1776; and that certificates thereof be given by the president, and lodged with the secretary:

That such of the journals and papers of Congress, as are secret in their nature, be kept by the secretary, and communicated to none, unless by particular order, but members of Congress and the deputy secretary, and that all others be kept and filed in the office aforesaid:

That all letters and other papers of Congress, in the war office, or hands of the president, treasury or marine boards, the secret committee, or committee on Indian affairs, or any other committee or member of Congress, (excepting such as relate only to the business of the said boards or committees, and have never been received in Congress, or having been received, have been committed to the same, as belonging to the respective offices) be delivered to the secretary, to be by him disposed of as aforesaid:

That all letters and other papers that shall hereafter be committed by Congress to any board, committee, or member thereof, be returned to the president or secretary, with the report that may be made thereon: and that no original journal, letter, or paper, be delivered out of the office, without an order of Congress and receipt thereof:

That such of the journals and papers belonging to the secretary's office as are in daily use by Congress, be, each day after the adjournment, sent to the said office; and

attested copies of all the resolutions to be carried into execution by any state, officer, person, or persons whatever, and papers necessary to accompany the same, be sent, without delay, to the president, to be by him transmitted by express, post, or other conveyance, as shall appear expedient or necessary; and that attested copies of any resolutions of Congress, or public paper in the office, be delivered to any of its members requiring the same.[1]

Resolved, That Monday next be assigned for electing the deputy secretary.

The Committee of Treasury reported, that there is due,

To Stewart Rowan, for ferriage of continental troops over Susquehanna, &c., the sum of 13 54/90 dollars:

To Price and Haywood for travelling expences from Philadelphia to Albany, in consequence of a resolve of Congress of the 13th August last, and from Boston to Philadelphia, and back, the sum of 220 dollars:

To Francis Trumbull, for eight chairs bought of him for the use of the treasury office, 19 18/90 dollars:

To the Honble Thomas Burke, for an advance made by him to nineteen North Carolina prisoners, to enable them to pay their expences from Baltimore to Fredericktown, the sum of £52 5, equal to 139 30/90 dollars; the said sum to be deducted from the allowance due to the prisoners:[2]

Ordered, That the said accounts be paid.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock on Monday morning.

[1] This report, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 23, folio 7.

[2] This report is in the *Papers of the Continental Congress*, No. 136, 1, folio 53.

MONDAY, MARCH 24, 1777[1]

A letter, from General Gates, of the 22d, was read, and referred to the Committee on French Officers ||Foreign Applications||

One of the 26 February, from Brigadier General R. Howe, at Charleston, South Carolina.

Sundry papers delivered in by Colonel Flower, referred to the Board of War.

A letter of the 12 from Francis Wade.

A remonstrance and petition from sundry inhabitants of the counties of Accomac, Somerset, and Worcester, ||were read:||[2]

Resolved, That the papers from Colonel Flower be referred to the Board of War:

That the letter from Captain F. Wade be referred to the committee appointed to enquire into the conduct of the commissaries:

That the remonstrance and petition from the inhabitants of the counties of Accomac, Somerset, and Worcester be referred to the delegates of Virginia and Maryland; and that the said delegates furnish their respective states, with a copy of the said remonstrance and petition.

Resolved, That Monsieur Faneuil have the rank of a colonel by brevet in the continental army, without pay or rations.

The committee appointed to confer with Major General Greene, brought in a report, which was taken into consideration; Whereupon,

Resolved, That General Washington be informed that it never was the intention of Congress, that he should be

[1] See note on p. 176, *ante*.

[2] The letter of Gates is in the *Papers of the Continental Congress*, No. 154, 1, folio 151; that of Howe is in No. 160, folio 348.

bound by the majority of voices in a council of war, contrary to his own judgment:

That the commander in chief in every department be made acquainted, that though he may consult the general officers under him, yet, he is not bound by their opinion, but ought finally to direct every measure according to his own judgment:

That if the officer commanding the army of the enemy will acknowledge Major General Lee to be a prisoner of war, and entitled to be treated and exchanged as such, General Washington be authorized to proceed in the exchange of prisoners, either according to the principles and regulations of the cartel already agreed to, or according to such other and farther principles and regulations as shall appear to him most proper and advantageous:

That the pay of aides de camp be equal to that of other officers of their rank.

Congress being informed that a vessel is just arrived with a quantity of arms belonging to the Continent, and also some arms belonging to private persons:

Ordered, That the Secret Committee be empowered to purchase such of the arms and military stores as belong to private persons.

The Medical Committee, to whom the plan of the general hospital was recommitted, brought in a report, which was read:

The Medical Committee, having taken into their consideration the establishment of the medical department in the Army, Report as follows:

1st That to each regiment there be appointed one Surgeon and one Surgeons Mate, who shall constantly attend the Regiment, to afford present relief to the sick and wounded, and take care of such as it may be improper to remove to the hospital.

2nd. That Senior Surgeons of approved Abilities in Physick and Surgery be appointed to each Brigade or a greater number of Regiments as the General commanding in each department or grand division of the Army shall judge necessary; whose business it shall be, to Superintend the Regimental Surgeons and Mates, see that they do their duty, advise and direct them in all difficult cases, and direct or perform all Capital Operations, give Assistance to the director of the hospital when such assistance is necessary; direct the Commissary of the Sick in the Articles Necessary to be procured for the Sick and wounded out of the hospital, and see that the Commissary, purveyor and Nurses Regularly perform their respective duties, and provide proper Nurses to attend the sick when Necessary; and also from Time to Time furnish the Regimental Surgeons with such Medicines and instruments as they may have Occasion for out of those furnished them by the Apothecaries, taking receipts for the same, and render Accounts of all medicines and instruments by them received or delivered out. when required thereto by Congress.

3rd. That a Commissary for the Sick be appointed to attend each grand division of the Army, who shall appoint one or more assistants if necessary, whose business it shall be to purchase and deliver to the purveyor all such Provisions, Liquors, and other necessaries for the Sick and wounded as directed by the Senior Surgeons, and keep accounts of and take receipts for the same: he shall also provide Straw, hay and fuel for the hospitals, and have the care of burying the Dead: he shall furnish the hospital with such a number of shirts, sheets, blankets, and cases for straw for the Accommodation of the Sick as the General commanding in such grand division of the Army shall direct: he shall likewise provide or obtain from the Quarter master general a proper number of hospital tents for the Sick in case the Army is likely to be stationed in places where houses convenient cannot be obtained for that purpose: and also provide and Superintend the Waggons necessary to be employed in removing the Sick and wounded, the number of hospital tents and Waggons necessary for the above purposes to be fixed and ascertained by the Generals commanding each division, and certified under their hands respectively: of all which Articles above enumerated, when provided, the Commissary shall take proper receipts and vouchers proving that the same were furnished, which he shall lay before Congress when required.

4th. That one Purveyor be appointed to attend each grand division of the Army, with one or more Assistants if necessary: whose duty it

shall be to receive from the Commissary, take care of and distribute the provisions and other necessaries provided for the sick and wounded in such manner as the Senior Surgeons shall direct: which provisions and necessaries are to be delivered in lieu of well rations.

5th That the General commanding in each Department or grand division of the Army, direct one hospital to be provided in some Convenient place contiguous to the Army consisting of different or seperate houses, if such can be had, in order that the wounded may be kept apart from the sick, and also that the sick may be properly divided, as may be most conducive to their recovery: to which hospital all such sick and wounded are to be sent as the Senior Surgeons may think proper, and whose circumstances will admit being removed, which hospital shall be supplied by the Commissary for the sick, with such provisions and other necessaries for the use of the sick and wounded, as the director shall require in lieu of well rations.

6th That one director of approved skill in Physick and Surgery be appointed for each hospital, who shall have the liberty of appointing one assistant Surgeon and four mates; a purveyor and such a number of Washer-women and Nurses as he shall judge necessary for the comfortable accommodation and attendance of the sick and wounded under his care, always observing that no more than necessary are employed. Also that the director May call to his assistance one or more of the Senior Surgeons when the number of sick and wounded in the hospital requires such assistance. Also that the director take an Account of each of the sick and wounded under his care, with the Time of their coming to the hospital, and when discharged, or deceased: and also of the Number of attendants employed in Nursing and taking care of the sick: and make due returns thereof every month to the general commanding in each grand division of the Army to be by him transmitted to Congress.

7th That there be two Apothecaries, one in the middle, and one in the eastern department, whose business it shall be to receive all such Medicines and instruments as shall be procured by the Secret Committee, and to purchase such others as they shall direct. That the Apothecaries prepare and put up such medicines and instruments for each hospital, and for each Regimental Surgeon, and also for each Senior Surgeon to be used by them or dealt out to the Regimental Surgeons when needed, as the medical committee shall direct, and forward the same with Supplies from Time to Time agreeable to their orders, keeping exact accounts and taking proper receipts for the same

to be laid before Congress when required. Each Apothecary to be allowed one mate.

8th That the sick and wounded as well in the Army as in the hospital be kept seperate from each other, when circumstances will admit thereof; and that the sick be always placed at such a distance from those in health as to prevent the spread of infection in the Army.

9th That the pay of the medical department be as follows—

The director of the hospital dollars per month and rations per day.

The Senior Surgeons and Assistants to the directors dollars per month and rations per day each.

The Apothecaries dollars per month and rations per day each.

The Regimental Surgeons dollars per month and rations per day each.

The directors Apothecaries and Surgeons mates dollars per month and rations per day each.

The Commissary of the sick dollars per month and rations per day each.

The Purveyors dollars per month and rations per day each.

The Assistant Commissaries and Assistant Purveyors dollars per month and rations per day each.[1]

Ordered, That it be referred for consideration to morrow morning.

A letter, of the 14, from Colonel F. Johnson, was read respecting the independent company commanded by Captain Nelson.

Ordered, That the said company be added to the batallion commanded by Colonel F. Johnson.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

[1] This report, in the writing of Abraham Clark, is in the *Papers of the Continental Congress*, No. 22, folio 15.

TUESDAY, MARCH 25, 1777

Georgia attended at 11 o'Clock. Maryland at ½ after 11.

A letter, of the 15, from Colonel George Morgan, at Pittsburg, with sundry papers enclosed, was read; Whereupon,

Ordered, That the standing committee for Indian affairs transmit to the commissioners of Indian affairs for the northern department, the letter addressed to them by Colonel Morgan, and signify to them, that Congress approve of the measures mentioned in that letter.

Resolved, That the governor and council of Virginia, be desired to suspend any operations against the gang of Indians, commonly called Pluggy's people, till they shall receive farther advice from Congress.

That a copy of Colonel Morgan's letter of the 15 and of the advices therein contained, be transmitted to the governor and council of Virginia.

The Board of Treasury brought in a report, which was taken into consideration; Whereupon, Congress came to the following resolution:

Whereas by a resolve of Congress of the 3d October, 1776, the commissioners of the loan office were directed "to transmit to the continental treasurer, once a month, an account of the cash in their respective offices, and to answer all draughts of the treasurer to the amount of the cash which they shall have in their hands as aforesaid;"

Resolved, That the several commissioners of the loan offices, hereafter, make monthly returns to the Board of Treasury of the cash in their respective offices, and that the same be draughted by warrants from the president only, which, previous to their being paid, shall be entered at the treasury office, and the entry certified on the war-

rant by one of the commissioners of the treasury, the auditor general, or one of his assistants or clerks.

A memorial from Lewis Prahl was presented to Congress and read:[1]

Ordered, That it be referred to the Board of War.

Ordered, That the opinion of the council of officers on Colonel Morgan's commission, enclosed in the colonel's letter of the 15, be referred to the Board of War.

Congress proceeded to the election of a deputy secretary, and, the ballots being taken,

Mr. William Churchill Houston was elected.

~~Resolved, That the sum of sixty dollars a month be allowed to each of the commissioners of accounts whilst employed in the service of the united States.~~[2]

The Marine Committee laid before Congress a paper, signed by sundry officers in the fleet, containing charges and complaints against Commodore [Esek] Hopkins; which was read, and laid upon the table.[3]

Resolved, That the Board of War be directed to order the new batallions raised and raising on west side of the Alleghany mountains, with all possible expedition to join the army, under General Washington.

Resolved, That General Gates be directed immediately to repair to Ticonderoga, and take command of the army there.

A letter, of the 18th, from the convention of New York, was read, recommending the appointment of a commandant of the forts in the Highlands;[4] Whereupon,

[1] This memorial is in the *Papers of the Continental Congress*, No. 42, VI, folio 140.

[2] See under March 13, *ante*.

[3] A paper, dated February 19, and signed by ten of the men on board the *Warren*, is in the *Papers of the Continental Congress*, No. 58, folio 225. Other charges are on folios 229–231. The examination of one of the signers, John Grannis, in the writing of William Ellery, is on folio 235.

[4] This letter is in the *Papers of the Continental Congress*, No. 67, II, folio 33.

Resolved, That a commandant ||of the forts in the Highlands|| be appointed, with the rank of Brigadier general:

The ballots being taken,

George Clinton, Esqr was elected.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, MARCH 26, 1777

A letter, of the 14, from William Aylett, Esqr deputy commissary general, at Williamsburg, with sundry papers enclosed, and one, of the 8, from General Schuyler, with sundry papers, were read:

Ordered, That they be referred to the Board of War.

A letter, of the 20, from the committee of Lancaster to the delegates of the state of Pensylvania, with sundry papers enclosed, was laid before Congress, and read:[1]

Ordered, That the same be referred to a committee of three:

The members ||chosen,|| Mr. [James] Wilson, Mr. J[ohn] Adams, and Mr. [Roger] Sherman.

The Board of War brought in a report, which was taken into consideration; Whereupon,

Resolved, That the government of the Delaware State, be desired to place such a guard at Lewistown, at continental expence, as they shall think sufficient to protect the persons employed as pilots, and such property of the good subjects of these States as shall be thrown upon their or the adjacent coasts.

That General Schuyler's general orders of February, 1777, be transmitted to General Washington, for his perusal and consideration.

[1] This letter is in the *Papers of the Continental Congress*, No. 69, I, folio 335.

That eight thousand dollars be advanced to Colonel Thomas Hartley, for cloathing and arming his batallion; he to be accountable.[1]

Resolved, That a member be added to the Board of War:

The member chosen, Mr. George Clymer.

Resolved, That 3,000 dollars be advanced to Captain Jacob Weaver, of the independent company at Lancaster; he to be accountable.

The Marine Committee, to whom was referred the petition of William Bernard, brought in a report, which was taken into consideration; Whereupon,

Resolved, That it is improper for Congress to interpose in the matter therein submitted to them in the present stage thereof.

Resolved, That the president acquaint General Washington, that Congress expect the office of adjutant general to be filled by a speedy appointment of a person of abilities and unsuspected attachment to these United States; and recommend Colonel William Lee to his consideration for this purpose.

Congress took into consideration the paper containing charges and complaints against Commodore Hopkins; Whereupon,

Resolved, That Esek Hopkins be immediately, and he hereby is, suspended from his command in the American navy.

The Committee of Treasury reported,

That there should be presented to Sterling Wade Cannon, to enable him to proceed to Maryland, the sum of four dollars.[2]

That there is due to Major Harduen Merlet, for his pay

[1] This report is in the *Papers of the Continental Congress*, No. 147, I, folio 117.

[2] The report of the Treasury office on Cannon, is in the *Papers of the Continental Congress*, No. 136, I, 55. He was a soldier in Colonel Griffith's battalion of Maryland Flying Camp, and had been taken prisoner at Fort Lee.

and rations as captain from September 1, 1775, to 20th January, 1776, 161 48 dollars; for his pay and rations as major, from 20 January, 1776, to 15 February, 1777, 563 20 dollars; the whole amounting to 724 68/90 dollars:

That there is due to Robert Patton, for cutting nine cords of wood for the use of Congress, 9 dollars.

Ordered, That the said accounts be paid.

Resolved, That the treasurer be directed to send 100,000 dollars to Benjamin Harrison, Jun. Esqr deputy pay master general in Williamsburg, Virginia, for the public service in his department; he to be accountable.[1]

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

THURSDAY, MARCH 27, 1777

A letter, of the 23, from General Washington, was read, wherein he informs, that he has given permission to Colonel Palfrey, the pay master general, to come to Philadelphia to settle his accounts:[2] Whereupon,

Resolved, That Colonel Palfrey, the pay master general, be referred for the settlement of his accounts to the commissioners appointed to audit and settle the accounts of the army under the immediate command of General Washington.

A letter of the 23, from Governor Johnson, of Maryland, to the Secret Committee, was laid before Congress, and read:

Ordered, That it be referred to the Board of War.

Resolved, That Neil M'Arthur and Alexander M'Kay, two of the North Carolina prisoners, who have executed

[1] This report is in the *Papers of the Continental Congress*, No. 136, I, folio 57.

[2] This letter is in the *Papers of the Continental Congress*, No. 152, IV, folio 25.

bonds and given approved security for their good behaviour and inoffensive conduct towards the United States, and every of them, be permitted to go to North Carolina, to solicit the assembly thereof, for permission to remain there in such place, and under such restrictions, as the said assembly shall direct; provided, that the said Neil M'Arthur, and Alexander M'Kay, if refused such permission, shall be deemed under obligation to return to their place of destination in Fredericktown, in Maryland, as soon as may be, or otherwise shall be deemed to have broken their parole.

Congress resumed the consideration of the report of the Medical Committee on the hospital;

Resolved, That it be ~~referred to a Committee of the Whole. Congress then resolved itself into a Committee of the Whole, to take into consideration the report of the Medical Committee, and after some time, the President resumed the chair, and Mr. [Daniel] Roberdeau reported~~ re-committed.

Resolved, That two members be added to this committee:

The members chosen, Mr. [Abraham] Clark and Mr. [William] Ellery.

A petition from Timothy Shalor, of the sloop *Lion*, was read, praying to be supplied with some rigging and 200 lb. of powder:

Ordered, That it be referred to the Secret Committee, who are directed to supply him with the powder on his paying for the same, and also with the other articles if they cannot be purchased at private sale.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock on Saturday next.

SATURDAY, MARCH 29, 1777

A letter, of the 19, from General Lee, at New York; One, of the 26, from Governor Livingston, ||of New Jersey,|| with sundry papers enclosed; and one, of the 16th, from Lieutenant Colonel Edward Antil, were read:[1]

Ordered, That the letter from Governor Livingston, with the papers enclosed, be referred to the committee for enquiring into the conduct of the British army: that the letter from Lieutenant Colonel Antil be referred to the Board of Treasury.

Congress took into consideration the letter from General Lee; Thereupon,

Resolved, That Congress still judge it improper to send any of their members to confer with General Lee upon the subjects mentioned in his letter.

Resolved, That 500 dollars be advanced to the Board of War for contingent services; the said Board of War to be accountable.

The Board of War brought in a report, which was taken into consideration; Whereupon,

Resolved, That 20,000 dollars be paid to Mr. Robert Wood, pay master of Colonel James Wood's regiment, raised in the state of Virginia, for the use of said regiment, the colonel to be accountable, he having requested the supply by letter of the 23 instant.[2]

Resolved, That the Marine Committee be authorized to advance to every able seaman that enters into the continental service, any sum, not exceeding forty dollars, and to every ordinary seaman or landsman, any sum, not exceeding twenty dollars; to be deducted from their future prize money.

[1] The letter of Lee is in the *Papers of the Continental Congress*, No. 158, folio 101.

[2] This report is in the *Papers of the Continental Congress*, No. 147, I, folio 125.

The committee, to whom the letter from the Committee of Lancaster, in Pensylvania, to the delegates of that State, together with the papers therein enclosed, was referred, brought in a report, which was taken into consideration: Whereupon, Congress came to the following resolution:

Whereas Edmund Minyer, adjutant of the regiment commanded by Colonel Moses Hazen, stands charged by an inquisition, taken before the coroner of the county of Lancaster, in Pensylvania, with the murder of Jacob Gross, late of the said county, deceased;

Resolved, That the said Edmund Minyer be delivered to the civil authority of Pensylvania, that he may receive his trial according to law.[1]

The Board of War brought in a report, which was taken into consideration: Whereupon,

Resolved, That Mr. Aylett, deputy commissary in Virginia, be informed, in answer to his letter of the 14th instant, that the quantity of flour required by the commissary general, must, by all means, be purchased; that Mr. Robert Morris consents, on his part, to transfer to Mr. Aylett, for continental use, a quantity of flour, purchased in Virginia by Mr. Morris and Carter Braxton, Esqr. to whom Mr. Aylett is desired to apply for a release of his part of the concern: if this cannot be obtained, the like quantity, and as much more as will complete the commissary general's requisition, to be forthwith procured by Mr. Aylett wheresoever the same can be bought in the State of Virginia.

That Mr. Aylett be also informed, that Congress approve of the prices offered by him for corn, and that he be requested to proceed in the purchase of the quantity

[1]This report, in the writing of James Wilson, is in the *Papers of the Continental Congress*, No. 20, 11, folio 7.

wanted by Congress or the commissary general, at as low prices as the same can be obtained.

That 200,000 dollars be sent to the ||deputy|| pay master general of the southern department.

That a copy of Mr. Aylett's letter be sent to the commissary general, and Mr. Aylett be desired to store the grain and provisions, purchased by him on continental account, until called for by the order of Congress, or the commissary general; and when such requisitions shall be made, the mode of transportation must be left to Mr. Aylett's discretion.

That the pay of the regimental pay masters in the army of the United States be raised to forty dollars per month.

~~That the regimental paymasters only shall receive from the pay master general all monies due the officers and soldiers of the respective regiments for pay, and the said regimental paymasters alone shall settle with and pay the officers and soldiers of the regiments to which they respectively belong.~~[1]

Resolved, That the case of John Jolly, and William and John North, New Jersey prisoners, be referred to the delegates of that State.

Resolved, That whenever any prisoners shall be taken by the army, or by any detachment of the army of these United States, or by any body of the militia, the commanding officer do furnish the Board of War with lists of such prisoners, together with the cause and manner of their capture and detention.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock on Monday.

[1]This report, in the writing of Richard Peters, is in the *Papers of the Continental Congress*, No. 147, I, folio, 119.

MONDAY, MARCH 31, 1777

The proceedings of a general court martial, held at Philadelphia, the 29th of this instant, March, 1777, on James Molesworth, accused of being a spy from the enemy, for endeavouring to inveigle three pilots into their service, to pilot the ships of war to the attack of this city, were laid before Congress, and read; and, it appearing thereby, that the said James Molesworth is found guilty of the crimes laid to his charge, and sentenced to suffer death; Thereupon,

Resolved, That Congress approve the sentence aforesaid, and confirm the orders of Major General Gates for the execution of it.

A letter, of the 26, with two papers enclosed, and one, of the 29, from General Washington; were read.

One, of the 11th, from the convention of New York, with sundry papers enclosed was read, also,

A letter of the 30 from Colonel Thomas Hartley, was read:[1]

Ordered, That the last be referred to the Board of War.

Resolved, That 1,258 dollars be paid to Messrs. Willing and Morris, the same being in full of a bill drawn by Esek Hopkins, at New Providence, 14 March, 1776, payable to Mr. Alexander Frazer, or order, and endorsed to the said Willing and Morris, to be charged to the said Esek Hopkins.

A letter from George Chardin Nicholson, and one of the 29, from the Chevalier de Celeron, were read:

Resolved, That the said George Chardin Nicholson, and the Chevalier de Celeron, be referred to Major General

[1] The letters of Washington are in the *Papers of the Continental Congress*, No. 152, IV, folios 27 and 35. That of the 29th is printed in *Writings of Washington* (Ford), V, 296.

Gates, who is empowered to employ them in such manner as he shall judge most for the interest of the United States.

That 150 dollars be advanced to the Chevalier de Celeron, to be deducted out of his future pay.

Resolved, That Major General Gates be empowered and directed to take with him, and employ under him in the northern department, Brigadier de [Roche] Fermoy, and such other of the French officers in the service of the United States as he shall think proper.

Ordered, That the letters from General Washington be referred to the Board of War.

That the letter from the Convention of New York be referred to the delegates from that State.

A letter, of the 20, from William Sever and Thomas Cushing, ||at Boston,|| was read.[1]

Congress having received advice that the ship *Mercury*, of Nantz, was arrived at Portsmouth, in New Hampshire, with a cargo for the United States, consisting of 11,987 fusees, 1,000 barrels of powder, 11,000 gun-flints, 48 bales of woollens, 9 bales of handkerchiefs, thread, cotton, and printed linens, 2 cases of shoes, 1 box of buttons and buckles, 1 case of sherry, oil &c, 1 box lawn, and 1 case of needles and silk neckcloths;

Resolved, That 5,000 of the arms lately arrived at Portsmouth, in New Hampshire, be delivered to the order of the council of Massachusetts bay, for the purpose of arming the troops raised in that State for the army of the United States; and that the said council order two receipts to be taken from the several colonels, to whom the arms shall be delivered, and transmit one of the said receipts to the commissary of military stores, and the other to the Board of War.

Resolved, That fifteen tons of the powder lately arrived at Portsmouth, be delivered to the order of the council of

[1] This letter is in the *Papers of the Continental Congress*, No. 65, 1, folio 191.

Massachusetts, to repay the powder advanced by that State, for the use of the continental army and navy, and that the said council transmit to the Board of War, a particular account of the powder advanced by their State for the use of the United States, and the persons to whom delivered.

Resolved, That the Secret Committee be directed to deliver the remainder of the powder, arms, and flints, to the order of the Board of War, and the remainder of the cargo to the cloathier general, or his order.

Congress took into consideration the report of the committee on tories and disaffected persons; and, after debate,

Resolved, That the same be re-committed.

The Committee of Treasury, to whom the letter from James Warren, was referred, brought in a report, Whereupon,

Resolved, That the loss sustained by James Warren, Esq. whilst pay master general, in consequence of his keeping an additional office at Cambridge, at the request of the General, for the convenience of the army, as particularly set forth in the depositions of himself, Isaac Lothrop, Esq[r] and William Winthrop, amounting to one thousand four hundred and one and 42/90 dollars, be allowed in the adjustment of his account at the treasury office:[1]

||*Ordered*, That the said allowance be made.||

Resolved, That two members be added to the committee, for revising and printing the journal.

The members chosen, Mr. J[onathan] B[ayard] Smith and Mr. [Nathan] Brownson.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

[1] This report and depositions are in the *Papers of the Continental Congress*, No. 136, I, folios 59–61.

TUESDAY, APRIL 1, 1777

A letter, of the 29 of March, from General Washington; one, of the 21 of the same month, from Brigadier General Lewis, were read:[1]

Ordered, That the letter from Brigadier Lewis be referred to the Board of War.

Resolved, That Ephraim Blaine, Esqr be appointed commissary for supplying, with provisions, the troops now in the county of Cumberland, in Pensylvania, and such as may hereafter march through that county, as well as the artificers and troops, who shall be employed in the magazine and laboratory, to be erected at Carlisle.

Congress proceeded to the election of three brigadiers, and, the ballots being taken, the following gentlemen were chosen: viz

Colonel Edward Hand; Colonel Charles Scott.

Resolved, That the election of the third brigadier general be postponed till to morrow.

An appeal being lodged from the judgment of the court of admiralty, for the State of Pensylvania, on the libel John Baldwin qui tam *vs*. Robert Polke, claimant,

Ordered, That it be referred to the standing committee on ||for hearing and determining|| appeals.

The Committee of Treasury brought in a report, ||which was read and considered;|| Whereupon,

Resolved, That Messrs. Price & Haywood procure, of General Schuyler and the deputy pay master general of the northern department, certificates of the specie which they have received, in consequence of an order of Congress, of the 13 August last, and that the ballance which

[1] The letter of Washington is in the *Papers of the Continental Congress*, No. 152, IV, folio 35. It is printed in *Writings of Washington* (Ford), V, 296. The letter of Lewis is in No. 159, folio 276.

shall appear to be due to them, on adjusting their accounts at the treasury office, be paid by a bill of exchange, to be drawn by the president on the commissioners of the United States in France, and countersigned by the auditor general.

That the managers of the lottery of the United States, be directed to send such a number of tickets for sale, as they shall judge necessary, to the pay master general and deputy pay master general of the northern department.[1]

For the better regulating the pay of the army,

Resolved, That the pay master or deputy pay master general shall pay no money, but by warrants from the commanders in chief in their respective departments, countersigned by their respective secretaries; and that the money be paid only to the person specified in the warrant, or to his order in writing, excepting in cases otherwise provided by Congress.

That the regimental abstracts be made up by the regimental pay masters at the close of every month, and certified by the respective colonels, or commanding officers and brigadiers general, who shall carefully examine and compare the same with the weekly returns; after which, they shall be lodged with the pay master, or deputy pay master general, until orders are given for the payment.

That the regimental pay masters only shall receive from the pay master, or deputy pay master general, the money due upon abstracts to the officers and soldiers; and the said regimental pay masters alone shall settle with, and pay, the money due to the officers and soldiers of the regiments to which they respectively belong, either in person or to their order, and take receipts for the same,

[1] This report is in the *Papers of the Continental Congress*, No. 136, 1, folio 95. The last paragraph is in the writing of Elbridge Gerry.

to be produced as vouchers on the settlement of their respective accounts.

That officers and soldiers, who may be prisoners of war, shall be made up in the abstracts of the regiment to which they belong, to the time of their captivity, and authentic returns shall be made, with such abstracts of the names of the officers and soldiers aforesaid, their rank and the company to which they belong, the time of their captivity, and the pay that was then due. And whenever such prisoners are to be exchanged, a pay roll shall be made out by the pay master, or deputy pay master general, for the pay due to them, to the time of their return, and the money shall be sent to them, and paid by the officer appointed to receive them, and their receipts immediately lodged with the pay master or deputy pay master general.

That whenever any regimental pay master leaves the service, or is dismissed, he shall make a return to the pay master or deputy pay master general, of the names of the commissioned and non-commissioned officers and soldiers of his regiment, who remain unpaid, the sums due to them respectively, and what balance of cash he has remaining; all which shall be lodged with the pay master, or deputy pay master general, to be, by him, delivered to the next pay master of the said regiment, or otherwise disposed of, as the commander in chief of the department may think proper.

That no commissioned or non-commissioned officer or soldier, coming from any department where a pay master or deputy pay master general is appointed, shall receive, in any other department, the pay that may be due to him, unless he produces a certificate from his colonel or commanding officer, countersigned by the pay master, or deputy pay master general of the department to which he belongs, of the sum bona fide due to him, and deliver the same, with a receipt thereon.

Resolved, That the pay of the assistant pay masters, in the northern department, be augmented to 40 dollars a month; and that they be allowed three rations a day.

Resolved, That the pay of secretary to the commander in chief be augmented to 100 dollars a month; and that Colonel Harrison, the present secretary, be allowed that pay from the time of his appointment to that office.

The Committee of Treasury reported,

That a warrant should be issued by the president, on the loan office, for the state of Pensylvania, in favour of Robert Morris, George Clymer and George Walton, Esqrs. a committee of Congress, for two hundred and fifteen thousand dollars, for which they are to account.

That another warrant issue on the same loan officer, in favour of the Secret Committee, for ten thousand dollars, for which the said committee shall account.

That James Wood, Colonel of the 12 regiment of Virginia forces, in continental service, having borrowed of John Campbell, Esqr one thousand eight hundred dollars for the use of his regiment, as appears by his receipts, and, at the same time, having drawn an order for the said sum, the same ought to be paid and charged to his account.

That there is due to James Warren, Esqr for the pay due to him as pay master general, from the 4 May to the 15 June, 1776, being forty-two days, at 1,200 dollars per annum, 138 6/90 dollars, which sum should be paid by a warrant from the president on the loan office of the State of Massachusetts bay.[1]

Ordered, That the said ||warrants be drawn, and|| sums be paid accordingly.

The Board of War brought in a report, which was taken into consideration; Whereupon,

[1] This report is in the *Papers of the Continental Congress*, No. 136, I, folio 99.

Resolved, That no officer already appointed, or to be hereafter appointed, in the army of the United States, shall take rank by virtue of a commission antedated, but rank shall be determined by the time of appointment, unless otherwise directed by a special resolution of Congress.

That it be recommended to the legislatures, and, in their recess, to the executive power of the respective States, that they forthwith transmit to the Board of War, exact lists of all officers appointed by them in the continental army, with the dates of their commissions and times of appointment.[1]

Resolved, That Major General St. Clair be, and he is hereby ordered to repair to Ticonderoga, and serve under General Gates; that previous to his setting out, he repair immediately to Philadelphia, and there wait the farther orders of Congress.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, APRIL 2, 1777

A letter, of the 31 of March, from General Washington, and one, of the 19th of the same month, from the chevalier de Preudhomme de Borré, were read.[2]

Ordered, That the letter from General Washington be referred to the Board of War.

The Board of Treasury brought in a report, which was taken into consideration; Whereupon,

[1] This report, in the writing of Richard Peters, is in the *Papers of the Continental Congress*, No. 147, I, folio 123.

[2] The letter of Washington is in the *Papers of the Continental Congress*, No. 152, IV, folio 47.

Resolved, That the pay master, and deputy pay master general, at the end of every month, after the first of May next, shall make up rolls, containing the names of the general and other officers of the army, to which they respectively belong, who are not comprised in the regimental abstracts, excepting only the commander in chief of the several departments, who shall respectively examine such rolls, and issue their warrants on the pay master or deputy pay master general, for the sums due on the same.

That the commanders in chief of the several departments be directed to order payment to such officers and detachments of the army, as shall, at any time, be ordered to other departments, to be made to the day of their marching or leaving the camp, and that certificates be given by the respective pay master or deputy pay master general, mentioning the names of such officers and corps, together with the time to which they are paid, which certificates shall be delivered by the commanding officer of the respective detachments, or by such officers as shall be ordered without detachments, to the pay master or deputy pay master general of the department to which they are ordered, to enable him to examine and make up their future rolls and abstracts.

The committee appointed to confer with Generals Gates and Greene, brought in a report, and requested leave to sit again.

Ordered, That leave be granted, and that Mr. J[onathan] B[ayard] Smith be added to the said committee.

Congress proceeded to the election of a third brigadier, and, the ballots being taken,

Colonel Ebenezer Learned was chosen.

Ordered, That a copy of the letter, this day received from General Washington, be sent to the council of State

of Pensylvania and to the governors of Delaware, Maryland and Virginia, and that Governor Johnson, ||of Maryland,|| be requested to give orders for the immediate removal of the powder and military stores at Annapolis to the town of Frederick, in Maryland, and the powder and military stores at Baltimore, to the town of Carlisle, in Pensylvania, and take measures to have this done with all possible expedition.

Congress resumed the consideration of the report of the ||medical|| committee on the hospital, and, after debate,

Ordered, That the said report lie on the table ||for farther consideration.||

Resolved, That a committee of three be appointed to revise Dr. Shippen's plan for the regulating the hospital, and report thereon.

The members chosen, Mr. [Elbridge] Gerry, Mr. [Thomas] Burke and Mr. J[ohn] Adams.

Mr. [Jonathan Dickinson] Sergeant applying for leave of absence, to visit his family,

Resolved, That leave be granted.

Resolved, That the Board of War be empowered to grant such reward, as they shall judge proper, to the pilots who discovered and informed against James Molesworth.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock on Friday next.

FRIDAY, APRIL 4, 1777

Mr. [James] Sykes, one of the delegates from the State of Delaware, attended, and produced the credentials of his appointment, which were read as follows:

In Council, *February 22d, P. M., 1777.*

Whereas Nicholas Van Dike and James Sykes, Esqrs. have been chosen, by joint Ballot of both Houses in the General Assembly, to

represent the Delaware State in the Continental Congress, in the room and stead of John Dickinson and John Evans, Esqrs. *Resolved*, That they, together with George Read, Esq. or any one or more of them, are hereby fully authorized and empowered, for and in behalf of this State, to concert, agree to, and execute any measure, which they or he, together with a Majority of the Continental Congress, shall judge necessary, for the defence, Security, Interest, and Welfare of this State in particular, and America in General, with power to adjourn to such times and places, as shall appear most conducive to the public safety and Advantage. Sent for concurrence.

Eodem die, P. M., In Assembly, read and concurred in.

Extract from the minutes,

SLATOR CLAY, *Clerk of the Council.*[1]

Brigadier General Armstrong having resigned his commission, as an officer in the service of the United States,

Resolved, That his resignation be accepted.[2]

A remonstrance and petition from sundry persons in York Town, Pensylvania, was read.

Ordered, That the same, together with the paper enclosed, be referred to the Board of Treasury.

Ordered, That the Board of Treasury settle the accounts of Colonel Hand, who is promoted to the rank of brigadier general, in order that he may deliver up his regiment, and enter upon the duties of his new office as soon as possible.

The Secret Committee having, by direction of Congress, in their resolve of the first of December last, appointed Messrs. Abraham Livingston and William Turnbull, agents, to repair to the eastern states, for the purpose of purchasing and collecting cloathing for the use of the army, which business they have assiduously performed, and for which purpose, the said committee advanced to the said agents twenty thousand dollars at the time they set out, and the farther sum of one hundred

[1] The origina is in the *Papers of the Continental Congress*, Delaware, *Credentials of Delegates.*

[2] The letter of Armstrong is in the *Papers of the Continental Congress*, No. 162, folio 264.

and twenty thousand dollars, granted them for that purpose, the 15 of February last, as appears by a resolve of Congress of that date, and the receipts of these two sums are acknowledged by the said agents, in their letters dated 19 and 22 March last: It also appearing, that the agents have drawn sundry bills on the said committee, which are not yet paid: and whereas, General Washington, agreeable to the powers vested in him by Congress, has lately appointed James Mease, Esqr cloathier general for the American army, whose business it now is to settle and adjust all accounts respecting the cloathing of the army; therefore,

Resolved, That the Secret Committee be credited in the treasury books for 140,000 dollars paid by them to the said Messrs. Abraham Livingston and William Turnbull, and that the same be charged to James Mease, Esqr who is to settle all accounts, with the said agents, respecting the business in which they have been employed, and to pay the draughts they have drawn, or may rightfully draw on the said committee, or on him as cloathier general, and that he be also empowered to make them reasonable compensation for their services.

The committee appointed to confer with General Greene, brought in a farther report, which was taken into consideration; Whereupon,

Resolved, That there be one commissary general of musters for the army of the United States:

That there be ~~one~~ four deputy ~~muster master general in the eastern, one in the northern, one in the middle, and one in the southern department~~ muster masters general:

That the said appointments be made by Congress:

That one deputy muster master be appointed to each grand division of the army;

And that these appointments be made by the commander in chief:

That the troops be mustered, once in every month, by the deputy muster masters; and once, at least, in every three months, the deputy muster master general of each department shall superintend at such muster:

That, in mustering, particular attention be paid to the cloaths, arms, accoutrements, and pay of the troops, and a report made to the commanding officer of the department, of neglect or deficiency:

That, on every muster, five rolls be made out by the captain or commanding officer of every company or troop, sworn to and signed by him and one other commissioned officer; one of which rolls shall be returned to him, certified by the officer of musters, one other shall be transmitted to the Board of Treasury, one to the pay master general of the department, and one to the regimental pay master, to be affixed to the pay rolls:

That the deputy muster master general of each department, return an abstract of each muster roll once a month, to the deputy adjutant general of that department, and one other abstract to the commissary general of musters:

That the commissary general of musters return to the adjutant general, once a month, an abstract of all the musters, regimentally digested, together with an abstract of the rations drawn or retained by the several regiments:

That the issuing commissaries be obliged to deliver monthly to the commissary general of musters, an abstract of the rations drawn or retained by the several regiments:

That the adjutant general be ordered to send monthly to the Board of War, a copy of the abstracts, which he received from the commissary general of musters, together with an abstract of the returns of the army:

That the pay of the commissary general of musters be 60 dollars a month, and 4 rations per day.

Of the deputy muster master general 50 dollars a month, and 3 rations a day:

Of a muster master 35 dollars a month, and two rations a day:

~~That neither of these have any military rank.~~

That the Board of War send to the Board of Treasury, copies of the abstracts of rations that may be included in the adjutant general's return.

Resolved, That Monday next be assigned for the appointment of the commissary general of musters, and deputy muster masters general.

Resolved, That every officer, commanding a regiment, troop, or company, who shall, upon notice given to him by any officer of musters, refuse or neglect to assemble the regiment, troop, or company, under his command, shall, on proof thereof, before a general court martial, be cashiered.

A letter, of the 18 of December last, from George Galphin, was read:

Ordered, That the same, with the papers enclosed, be referred to the Standing Committee on Indian Affairs.

Resolved, That the body of militia, which were applied for to the State of North Carolina, during the last winter, by the State of South Carolina, then under apprehension of an invasion from the enemy, be considered as part of the 5,000 militia, recommended by Congress to be embodied by the State of North Carolina, for the assistance of South Carolina or Virginia, as occasion might require, and that the expence, thereby accruing, be defrayed out of the continental treasury.

Resolved, That all captures made, or to be made, by vessels bearing commissions, issued by the president of South Carolina, previous to this 4th day of April, be considered as valid, as if made under continental commissions, and that a copy of this resolve be transmitted to

each of the United States, as a law in any prize cause, which may be depending or instituted in any of the courts therein, and to secure the condemnation of vessels taken under such commissions, Congress having been made acquainted, that Mr. President Rutledge has granted commissions for letters of marque and privateers, for want of proper information, that by a former resolve of Congress such commissions were to be granted by Congress only.

Resolved, That the invitation given, at the desire of Mr. President Rutledge by Mr. Galphin, to the Creek Indians, to form a Congress in the ensuing spring, be approved; that the State of South Carolina be reimbursed the expences, which may attend such meeting, and that Mr. Galphin do use his endeavours to persuade some of the Creek chiefs to attend him to Philadelphia, and that this Congress will defray the charges of their journey.

The Board of War brought in a report, which was taken into consideration; Whereupon,

Resolved, That blank commissions be sent to Mr. Henry Fisher, of Lewistown, with orders, to raise, on continental establishment, an independent company, for the safeguard of the pilots and the persons and goods of other well affected inhabitants and subjects of these states, residing, or being near Lewistown and the coasts of Delaware bay; and that Mr. Fisher be informed, that if he chuses to accept the command of the company, Congress will confirm him therein; but, if he should decline the acceptance thereof, he be desired to nominate a proper person to fill that station, and in either case, that he nominate the subalterns.[1]

Resolved, That the managers of the lottery of the United States be empowered to order monies, arising from the sales of tickets in those States, where there are no com-

[1] This report is in the *Papers of the Continental Congress*, No. 147, I, folio 129.

missioners of the loan office, to be paid into the treasury of such State, the said State to be accountable.

That the managers of the lottery of the United States be authorized to defer the drawing of the said lottery, if they find it necessary.

The Board of Treasury reported,

That there is due to James Smythers, for a copper plate and planishing, made by David Cummings, for the purpose of printing the loan office certificates, and engraving the same, the sum of [£14 2 6=] 37 60/90 dollars.

That there is due to Gerard Hopkins, for 26 cloak pins, and putting them up, for the use of Congress, at Baltimore, the sum of 3 24/90 dollars.

That R[obert] R. Livingston, Robert Treat Paine and John Langdon, Esqrs. a committee of Congress, who, in November, 1775, repaired to Ticonderoga, have expended in the journey five hundred and ten dollars, and 43½/90 for which they ought to have credit, together with the sum of one hundred and one dollars, returned by Mr. Paine into the hands of John Gibson, Esq[r] the auditor general, and with which he is to be charged.[1]

Ordered, That the said sums be paid, and the said credit and debit be made accordingly.

A letter of this day from B. Flower, commissary general of military stores, was read; and referred to the Board of Treasury.

The Committee on the hospital, brought in a report, which was taken into consideration, and after debate,

Resolved, That the farther consideration thereof be postponed till to morrow.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

[1] This report is in the *Papers of the Continental Congress*, No. 136, 1, folio 101.

SATURDAY, APRIL 5, 1777

A letter, of the 2d, from General Washington, with a copy of one of the 29 of March, from Brigadier General M'Dougal, with an account of the enemy's attack on Peek's kill, was read.[1]

Resolved, That the Baron de Arendt, colonel of the German batallion, be ordered to repair immediately to head quarters.

That two months' pay be advanced to Colonel de Arendt, he to be accountable.

Resolved, That 1,000 dollars be advanced to the delegates of Connecticut, and charged to the account of the said State.

Whereas, the general assembly of the State of Rhode Island and Providence Plantations did, at their session in October last, pass a resolve, empowering the governor to grant commissions or letters of marque and reprisals to private vessels of war, giving such instructions, and taking such bonds, as should be agreeable to the resolutions of Congress, until commissions could be procured from Congress:

Resolved, That acts done under such commissions, as have hitherto been granted by the governor of the said State, by virtue of the said resolve, be of the same force and validity, as if they had been granted by Congress, under the signature of the president.

That it be recommended to the governor of the State aforesaid, not to grant any more commissions, to recal such as he may have issued, and to deliver out continental commissions in their stead.

[1] The letter of Washington and enclosure are in the *Papers of the Continental Congress*, No. 152, IV, folio 51.

The Board of War brought in a report, which was taken into consideration; Whereupon,

Resolved, That the case of Dr. Connolly be committed to the supreme executive council of the State of Pensylvania; to whom it be recommended to examine into the matter, and, if they think proper, indulge the prisoner with such liberty as they shall conceive to be consistent with the public safety.[1]

That the Baron d'Arendt be continued in the Rank and Pay of a Colonel and sent with General Gates to Ticonderoga, to be employed in such ways as the General shall think most proper, and that two months pay be advanced to the Colonel to enable him to proceed on his Journey.[2]

Resolved, That 2,000 dollars be advanced to Carpenter Wharton, for the public service, he to be accountable.

Congress resumed the consideration of the report on hospitals, and, after debate,

Resolved, That the farther consideration be postponed till Monday next.

The Committee of Treasury reported,

That there should be paid to the State of South Carolina, the sum of 300 dollars, being so much received of the said State by Jacob Morris, aid de camp, for account of General Lee, the general to be charged with the same.

That there is due to Captain Matthew Duncan, for his pay from 5 January, 1776, to 5 January, 1777, being 12 months, at £10 per month, £120; for his rations, from 25 September, to 5 January, being 101 days, at three rations a day, 303 rations, at 8*d*, £10 2; ~~for two months extraordinary pay as allowed the officers in Canada, £20;~~ and for his arms and accoutrements, lost at the attack on

[1] A letter from Connolly to Thomas Wharton, dated March 13, is in the *Papers of the Continental Congress*, No. 42, II, folio 21.

[2] This report is in the *Papers of the Continental Congress*, No. 147, I, folio 131.

Quebec, at which time he was a volunteer, £8, the whole being £148 2 0, [£138 2], equal to 394 4 dollars. ||dollars at 7s 6.||

That there should be paid to Lowman & Hubley 6,000 dollars, being so much borrowed of them, by Lieutenant Colonel Ed[ward] Antil, for the use of Colonel Hazen's regiment, Colonel Hazen to be accountable.

That there should be paid to William Atlee, Esq[r] the sum of 4,000 dollars, being so much borrowed of him, by Lieutenant Colonel Antil, for the use of Colonel Hazen's regiment, Colonel Hazen to be accountable.

That there should be advanced to Ephraim Blaine, Esq[r] in part payment of the balance due to him for provisions furnished the troops, and in advance towards his furnishing provisions, in consequence of his late appointment, the sum of 15,000 dollars.

That there should be advanced to Colonel Benjamin Flower, commissary general of military stores, for the use of his department, the sum of 100,000 dollars, he to be accountable.

That there should be paid to Samuel Wheeler, for one wrought-iron 3 pounder field piece, the sum of £60 10 equal to 161 30/90 dollars.[1]

Ordered, That the said sums be paid.

Resolved, That 6,000 dollars be paid to William Wilson, for account of Colonel George Morgan, who is to be accountable.

That the pay due to Brigadier General Armstrong, to the time of his resignation, be paid him, and that there be also paid to him the pay due to his brigade major.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock on Monday next.

[1] This report is in the *Papers of the Continental Congress*, No. 136, 1, folio 103.

MONDAY, APRIL 7, 1777

Resolved, That there be paid to Captain Bartholomew Burke, 500 dollars for the purpose of recruiting a company, the same being in full of an order in his favour on William Palfrey, Esq[r] and drawn by General Washington, dated at headquarters, Morristown, March 4, 1777.

Resolved, That the resolution passed on Saturday, respecting John Connolly, be, for the present, suspended.

A letter, of this day, from James Mease, and an extract from the minutes of the council of the State of Pensylvania, were read:

Ordered, That the same be referred to the Board of Treasury.

And that the council of the State of Pensylvania be desired to lay before the Board of Treasury, an account of the expenditure of the money advanced to their State by Congress.

A letter, of the 24 of March, from the council of Massachusetts bay;

One, of the 29 of the same month, from William Finnie, deputy quarter master general in Virginia.

One, of the 5th instant, from Major General Putnam, at Princetown, with sundry papers enclosed.

One, of the 24 March, from Colonel George Morgan, at Fort Pitt, with sundry papers enclosed; and one, of the same date, from H. [William] Crawford, with the proceedings of a council of war, and sundry other papers enclosed;[1]

A memorial from sundry inhabitants of Westmoreland, in Pensylvania;

[1] The letter from Massachusetts is in the *Papers of the Continental Congress*, No. 65, I, folio 195; that of Finnie, in No. 78, IX, folio 73; that of Putnam, in No. 159, folio 47; that of Crawford is in No. 78, V, folio 87.

A representation from Lieutenant Colonel Antil, in favour of Adjutant Minyer, were read.

Resolved, That the letters from Colonel G. Morgan and H. [William] Crawford, with the papers enclosed, be referred to the Board of War; and that the said Board be directed to send, with all possible despatch, such a supply of rifles, ammunition and military stores, as they shall judge necessary, for the protection and defence of the inhabitants on the western frontiers, against any hostile attempts of the Indians, or others.

Major General Schuyler attended, and took his seat in Congress, as a delegate from the State of New York.

William Duer, Esqr a delegate of New York, also attended, and produced the credentials of his appointment, which were read as follows:

In Convention of the Representatives
of the State of New York,
Kingston, March 29, 1777.

Resolved, That William Duer, Esqr be, and is hereby, appointed a Delegate or Representative of this State in Congress.

By order, Abraham Ten Broek, *President.*

Attest,

John M'Kesson, *Secretary.*[1]

A letter, of the 20th January, and one, of the 1st of March, from the convention of New York, with an extract from the minutes of the committee of safety of the said State, dated 20 January, 1777;

Also, a petition from Colonel Seth Warner, were laid before Congress, and read.[2]

[1] The original is in the *Papers of the Continental Congress*, No. 59, 1, folio 39.

[2] The letters from the New York Convention are in the *Papers of the Continental Congress*, No. 67, 11, folios 9 and 25. A letter from the New York Committee of Safety, January 20, 1777, is on folio 13. The petition of Seth Warner is in No. 42, VIII, folio 133.

Ordered, That the letter from the council of Massachusetts bay be referred to the Marine Committee; that the letter from William Finnie, and the petition from Colonel Warner, be referred to the Board of War;

That the letters from the convention of New York lie on the table.

Resolved, That the deputy pay master general, in Virginia, be directed to pay to the governor and council of Virginia four thousand dollars, for the purpose of paying the bounties of the 200 men ordered to be raised for garrisoning the forts on the Ohio.

Resolved, That 1,000 dollars be advanced to Robert Jewell, keeper of the state prison, he to be accountable.

A letter from John House, master of the sloop *Fortune*, was read:[1]

Ordered, To lie on the table.

Resolved, That the state of the military chest, in the northern department, be referred to the Board of Treasury.

Resolved, That the store keeper of the magazine of provisions at Lebanon, in Pensylvania, be ordered to deliver to Ephraim Blaine, Esqr forty barrels of beef and forty barrels of pork, the said Ephraim Blaine to be accountable.

Congress resumed the consideration of the report on the hospital; Whereupon,

Resolved, That there be one director general of all the military hospitals which shall be erected for the continental army in the United States, who shall particularly superintend all the hospitals between Hudson and Potowmack rivers:

[1] This letter is in the *Papers of the Continental Congress*, No. 78, XI, folio 145. It is signed Hous.

That there be one deputy director general, who, in the absence of the director general, shall superintend the hospitals to the eastward of Hudson's river:

That there be one deputy director general, who, in the absence of the director general, shall superintend the hospitals in the northern department:

That when the circumstances of the war shall require it, there be one deputy director general, who in the absence of the director general, shall superintend the hospitals in the southern department:

That the director general, or, in his absence, the deputy director general in each respective department, be empowered and required, with the advice and consent of the commander in chief therein, to establish and regulate a sufficient number of hospitals, at proper places, for the reception of the sick and wounded of the army, to provide medicines, instruments, dressings, bedding, and other necessary furniture, proper diet, and every thing requisite for the sick and wounded soldiers, and the officers of the hospitals; to pay the salaries and all other expences of the same:

That there be assistant deputy directors, to superintend the hospitals committed to their care, and assist in providing the articles before specified, under the orders and controul of the director or deputy director general of the respective districts:

That there be one apothecary general for each district, whose duty it shall be, to receive, prepare, and deliver medicines, and other articles of his department to the hospitals and army, as shall be ordered by the director general, or deputy directors general, respectively:

That the apothecaries [general] be allowed as many mates as the director general, or respective deputy director generals, shall think necessary:

That there be a commissary of the hospitals in each of the aforesaid districts, whose duty it shall be, to procure, store, and deliver provisions, forage, and such other articles as the director or deputy director general shall judge necessary for the use of the hospitals; in the purchase of which, he shall frequently consult with the commissary and quarter master general, and be regulated by the prices which they give:

That the commissary be allowed such assistants and store keepers, as the director general or deputy director general of the district, shall judge necessary:

That a steward be allowed for every hundred sick or wounded, who shall receive provisions from the commissary, and distribute them agreeable to the orders of the director general, or, in his absence, of the deputy director general, or physician, or surgeon general, and be accountable to the commissary for the same:

That a matron be allowed to every hundred sick or wounded, who shall take care that the provisions are properly prepared; that the wards, beds, and utensils be kept in neat order, and that the most exact œconomy be observed in her department:

That a nurse be allowed for every ten sick or wounded, who shall be under the direction of the matron:

That an hostler or stabler be allowed to each hospital, to receive the horses from the commissary, and to take care of the waggon, and other horses belonging to the hospital, pursuant to orders from the director general, or, in his absence, the deputy director general, or such other officer as he shall appoint:

That there be a clerk in each district, whose business it shall be, to keep the accounts of the hospitals, and to receive and deliver the monies agreeable to the orders of the director or deputy director general:

That a sufficient number of assistant clerks be allowed:

That such officers and soldiers as the general shall order to guard the hospitals and to conduct such as shall be weekly discharged the hospitals, to their respective regiments, shall, while on this duty, obey the director or deputy director general, or the physicians and surgeons general:

That the director and deputy directors general be respectively empowered to appoint and discharge their assistant deputy directors, and other said officers and attendants of the hospitals, in such numbers as the necessities of the army may require, and the commander in chief of the department shall, in writing, approve; report of which to be immediately made to Congress, as hereafter directed:

That there be also one physician and one surgeon general in each district, to be appointed by Congress, whose duty it shall be, respectively, to superintend the practice of physic and surgery in all the hospitals of the district to which they shall be appointed, and, in the absence of the director or deputy director general, they shall have power to order the physicians, surgeons, and other officers of the several hospitals, to such duty as they shall think proper, and shall report weekly to the director general, or, in his absence, to the deputy director general, or, in his absence, to the assistant deputy director, the state and number of the sick and wounded in the hospitals, and the delinquent officers of the same, and see that such, as may be fit, shall be delivered every week to the officer of the guard, to be conducted to the army:

That there be allowed, also, senior physicians and surgeons, who shall attend, prescribe for, and operate upon, and see properly treated, such sick and wounded, as shall be allotted them by the director general, deputy director

general, or assistant director, or physician, or surgeon general; the number for the district to be determined by the director or deputy director general, and appointed by the surgeon and physician general:

That there be also such a number of second surgeons as the director or deputy director general for the district shall judge necessary, to assist the senior surgeons, and be under the same direction, and to be appointed by the physician and surgeon general as aforesaid:

That there be also such a number of mates as the director general or deputy director general of the district shall direct, who shall assist the surgeons in the care of the wounded, and see that the medicines are properly and regularly administered, and appointed in the manner before directed for senior and second surgeons:

That a suitable number of covered and other waggons, litters and other necessaries for removing the sick and wounded, shall be supplied by the quarter master or deputy quarter master general, and in cases of their deficiency, by the director or deputy director general.

That there be one physician and surgeon general for each separate army, who shall be subject to the orders and controul of the director general and deputy director general of the district wherein he acts: That his duty shall be, to superintend the regimental surgeons and their mates, and to see that they do their duty, to hear all complaints against the said regimental surgeons and mates, and make report of them to the director general, or, in his absence, to the deputy director, or, in their absence, from the said army, to the commanding officer thereof, that they may be brought to trial by court martial for misbehavior; to receive from the director general or deputy director general, a suitable number of large strong tents, beds, bedding, medicines, and hospital stores, for such sick

and wounded persons as cannot be removed to the general hospital with safety, or may be rendered fit for duty in a few days; and shall also see that the sick and wounded, while under his care, are properly attended, and dressed and conveyed, when able, to the general hospital, for which last purpose he shall be supplied by the director general, or deputy director, with a proper number of convenient waggons and drivers.

That each physician and surgeon general of the armies, shall appoint such a number of surgeons, nurses, and orderly men, as the director general or deputy director general shall judge necessary for the more effectual care and relief of the sick and wounded, under the care of such physician and surgeon general as provided in the last foregoing section; and the said physicians and surgeons general shall have under them, in each army, a steward to receive, and properly dispense such articles of diet as the director general, or deputy director general shall give, or order to be given him by the commissary of the army or hospital:

That whenever any regimental surgeon or mate shall be absent from his regiment without leave from the said surgeon general, or the commander in chief of the army where his duty lies, the said surgeon general shall have power to remove such surgeon or mate, and forthwith to appoint another in his stead:

That the director, deputy directors, physicians, and surgeons general, and all other officers before enumerated, shall be tried by a court martial for any misbehaviour, or neglect of duty, as the commander in chief of the several armies shall direct:

That the physician and surgeon general of each army, shall cause daily returns to be made to him, of all the sick and wounded which have been removed to the hos-

pitals, all that remain in the hospital tents, all that are become fit for duty, all that are convalescent, and all who may have died, specifying the particular maladies under which the sick and wounded labour.

That the said physicians and surgeons general shall cause weekly returns of the same to be made to the director or deputy director general respectively:

That the physicians and surgeons general of the hospitals, cause like daily returns to be made in every hospital, and the like weekly returns to their respective directors, *mutatis mutandis:*

That the deputy directors general cause the like returns to be made, once every month, to the director general, together with the names and denominations of all the officers in the respective hospitals:

And that the director general shall make a like return for all the hospitals and armies of these United States, once every month, to the Medical Committee:

That the Medical Committee have power to appoint any of their members to visit and inspect all or any of the medical departments, as often as they shall think proper, to enquire into the conduct of such general officers of the hospital as shall be delinquent in this or any parts of their duty, and to report their names to Congress, with the evidence of the charges, which shall be brought against them.[1]

Resolved, That the farther consideration of the report be postponed till to morrow.

The Board of War brought in a report, which was taken into consideration: Whereupon,

Resolved, That six thousand six hundred dollars be paid to Colonel Abraham Bowman, of the 8 Virginia regiment,

[1] This report, in the writing of Thomas Burke, is in the *Papers of the Continental Congress*, No. 22, folio 19.

(late Muhlenberg's,) on account of pay due to the said regiment, the colonel to be accountable.[1]

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

TUESDAY, APRIL 8, 1777

Resolved, That 274 dollars be paid to John Cadwalader, Esqr the same being in full of an order in his favour, drawn by General Washington, January 23, 1777, for so much advanced to Captain James Lee's company of artillery.

Resolved, That an order be drawn for 12,000 dollars in favour of Colonel Stephen Moylan, on John Gibson, Esq., and another order in favour of the said Colonel Moylan on Michael Hillegas, Esqr for the like sum of 12,000 dollars, these orders being in part of a warrant of General Washington, in favour of the said Colonel Moylan.

That an order for twenty thousand dollars be drawn on the treasurer in favour of Jonathan Hudson, for the public service, the said J. Hudson to be accountable.

The Committee of Treasury reported,

That Mr. James Cuthbert, of Canada, supplied a detachment of the army, while there, under the command of Brigadier General Thompson, with wheat, flour, boards, and plank, to the amount of one thousand and sixty three pounds, seventeen shillings and two pence, New York currency: of which sum £600 was drawn for, on the pay master general for the northern department, by John Winslow, the assistant pay master, in favour of Colonel

[1] This report is in the *Papers of the Continental Congress*, No. 147, 1, folio 133.

Donald Campbell, deputy quarter master general, and by him endorsed to the said James Cuthbert, and by the last to Elias Boudinot Esqr, which said bill was, by direction of the then commander in chief in Canada, protested, under a mistaken information, that the said Cuthbert was an enemy to his country: That, on the 3d of August last, General Thompson settled the account with the said Cuthbert, and then drew a bill in his favour for the residue, (being four hundred and sixty three pounds, seventeen shillings and two pence) on William Palfrey, Esqr pay master general, which was also endorsed to Mr. Boudinot, and remains unpaid. That Mr. Boudinot hath been too long kept out of his money, and has been at a considerable expence in soliciting payment, and that a warrant should be now granted him for £1,106 9 7, New York money, equal to 2,766 18/90 dollars, and that the first-mentioned draught for six hundred pounds, New York currency, should be charged to Mr. Winslow, until he renders vouchers to the commissioners for settling accounts, of the expenditure of the provisions for the payment of which he drew his bill;[1]

Ordered, That the said sum be paid and charged accordingly.

A letter, of the 28 March, from Governor Henry, of Virginia, and a petition from sundry inhabitants of the New Hampshire grants, accompanied with a number of papers, were read:[2]

Ordered, That the letter from Governor Henry be referred to the Board of War: and that the petition, and papers accompanying, lie on the table.

[1] This report is in the *Papers of the Continental Congress*, No. 136, I, folio 105.

[2] The letter of Henry is in the *Papers of the Continental Congress*, No. 71, I, folio 115. The New Hampshire petition, dated Westminster, January 15, 1777, is in No. 40, I, folio 135.

Resolved, That a committee of three be appointed to report a plan for regulating the mode of receiving applications made to Congress.

The members chosen, Mr. [Elbridge] Gerry, Mr. S[amuel] Adams, and Mr. [William] Ellery.

Resolved, That the report of the committee of the whole house, on the articles of confederation, be taken into consideration on Monday next, and that two days in each week be employed on that subject, until it shall be ||wholly|| discussed in Congress.

The Committee of Treasury reported, that there is due, to Frederick Bicking, for 140 reams of paper for continental bills of credit, the sum of [£525=] 1,400 dollars:[1]

That there is due to William Semple, Benjamin Harbeson and Jonathan B. Smith, for the expence of conveying a wagon to Cambridge, and for conducting Colonel Kirkland and son, prisoners, from Cambridge to Philadelphia, from 9th December to 16 January, the sum of £134 8 2, equal to 358 38/90 dollars:

That there should be advanced to the State of Pensylvania, agreeable to the request of the council of the said State, the sum of 100,000 dollars, the said State to be accountable:

That there should be paid to the Board of War, to be by them sent to Jonathan Trumbull, Esq. deputy pay master general, for the use of the northern army, the sum of four hundred thousand dollars:

That there should be advanced to James Mease, Esqr for the purpose of cloathing the army, the sum of one hundred thousand dollars:

Ordered, That the said sums be paid.

Resolved, That Michael Hillegas, Esqr treasurer, be directed to send from Baltimore to John Gibson, Esqr

[1] This report is in the *Papers of the Continental Congress*, No. 136, I, folio 107.

auditor general, for public service, the sum of one million of dollars.[1]

The Committee on Departments, brought in a report, which was read:

Resolved, That five persons be appointed by Congress to constitute a Board of War and Ordinance any three of whom to be a Quorum.

That a Secretary and clerks of Office be appointed by Congress with competent Salaries to assist the said Board in executing the Business of their Department.

That it shall be the Duty of the said Board to procure by Contract or otherwise all such Ordinance, Arms, Military Stores, *Cloathing*, *Medicines* and every other necessary for the Army that Congress may from time to time direct. ~~That they shall~~ to call upon for and receive exact Returns of the Number State and Disposition of all the Land Forces in the Service of the United States and make proper Entries of the same; to keep an Alphebetical and accurate Register of the Names of all Officers in the said Land Forces and the Dates of their respective Commissions; to forward all Dispatches from Congress to the different States *and all Monies* to be transmitted for the publick Service by Order of Congress, taking Care to provide suitable Escorts and Guards for the safe Conveyance of such Dispatches and Monies when it shall appear to them to be necessary; to register all Correspondence with the Generals and transmit to the proper Officers all Orders that refer to the forming, Marching, Cloathing and Appointments for Camp or Garrison of the Troops in every Department; to procure and keep exact Accounts of all the Ordinance, Arms, Ammunition, and Warlike Stores, belonging to the United States, and of the Manner in which and the Places where the same shall from time to time be lodged and employed; to appoint proper Store-keepers for taking care of such of them as shall not be employed in actual Service and hire at the Publick Expence proper Magazines for preserving them; to issue so much of them and cause the same to be safely conveyed to such Places as Congress shall from time to time direct; to take Care of all Prisoners of War and dispose of them agreeable to the Orders and Regulations of Congress; to keep and preserve in their Office in regular Order all original Letters and Papers which shall come into the said Office by Order of Congress or otherwise, and cause Copies of all Letters and

[1] This report is in the *Papers of the Continental Congress*, No. 136, 1, folio 109.

Dispatches to be made or transcribed in Books to be set apart for that Purpose, and shall also cause fair Entries in like Manner to be made, and Registers preserved of all other Business which shall be transacted by them.

That before any Member shall take his Seat at the said Board he shall take and Subscribe the Oath of Qualification, and also the following Oath, a Certificate whereof shall be filed in the said Office.

I, A. B, do solemnly swear that I will not directly or indirectly divulge any Matter or Thing which shall come to my Knowledge as a Member of the Board of War and Ordinance of the United States without the Leave of Congress or of the Board: and that I will faithfully execute my said Office according to my best Skill and Judgement.

That before the Secretary and Clerks of the said Board shall enter on their Office, they shall respectively take and Subscribe the Oath of Qualification and also the following Oath, a Certificate whereof shall be filed in said Office.

I, A. B., do Solemnly Swear that I will not directly or indirectly divulge any Matter or Thing which shall come to my Knowledge as (*Secretary or Clerk*) of the Board of War and Ordinance of the United States, without Leave of the said Board and that I will faithfully execute my said Office according to the best of my Skill and Judgement.

So help &c.

That the said Board be authorized to hire suitable Apartments and provide Books, Paper and other Necessaries at the Continental Expence for carrying on the Business of the said Office.[1]

Ordered, That it be taken into consideration on Thursday next.

The committee, to whom it was referred to devise what honours should be paid to the memories of Generals Warren and Mercer, brought in a report, which, being read, was agreed to as follows:

That a monument be erected to the memory of General Warren, in the town of Boston, with the following inscription:

[1] Endorsed, "Read April 8, 1777. Referred for consideration to Thursday next. Recommitted. ~~Genl. Schuyler added to the said Committee.~~" This report, in the writing of Thomas Nelson, is in the *Papers of the Continental Congress*, No. 27, folio 45.

In honour of
JOSEPH WARREN,
Major General of Massachusetts bay:
He devoted his life to the liberties
Of his country;
And, in bravely defending them, fell
An early victim,
In the battle of Bunker's Hill,
June 17, 1775.
The Congress of the United States.
As an acknowledgement of his services,
And distinguished merit,
Have erected this monument
To his memory.

That a monument be erected to the memory of General Mercer, in Fredericksburg, in the State of Virginia, with the following inscription:

Sacred to the memory of
HUGH MERCER,
Brigadier General in the army of
The United States:
He died on the 12 of January, 1777, of the
Wounds he received on the 3d of the same month,
Near Princetown, in New Jersey,
Bravely defending the
Liberties of America.
The Congress of the United States,
In testimony of his virtues, and their gratitude,
Have caused this monument to be erected.

That the eldest son of General Warren, and the youngest son of General Mercer, be educated, from this time, at the expence of the United States.[1]

Resolved, That the following gentlemen be appointed officers in the regiment commanded by Colonel Hazen, as follows:

James Thompson, quarter master.

[1]This report, in the writing of Benjamin Rush, is in the *Papers of the Continental Congress*, No. 19, V, folio 151.

John Gibson, Michael Montgomery, James Stedman, Alexander Teas, William M'Michael, James Anderson, Robert Craig and William Stewart, second lieutenants.

—— Duncan, William Erskine, Michael Gilbert, John Hughes, Reuben Taylor, Samuel Alexander, Thomas Piey and Robert Campbell, first lieutenants.

Matthew M'Connel, Robert Burns, John Carlisle, Benjamin Chambers, James Rodolph Reid, William Popham, John Thompson and James Heron, captains.

Resolved, That it be recommended to the governor and council of safety of New Jersey, not to call into the field, such part of their militia, not exceeding forty, as are necessarily employed in the salt works, now erecting in their State, by the government of Pensylvania, provided it be not inconsistent with the laws of that State.

A letter, of the 5, from General Washington, with a letter and papers enclosed from the Chevalier de Preudhomme de Borré.

One of the 2d, from the convention of New York, were read:[1]

Ordered, That the letter from the General, with papers enclosed, be referred to the Committee on applications from foreigners, and

That the letter from the convention of New York be referred to the Board of War.

Congress resumed the consideration of the report on the hospital; Whereupon,

Resolved, That in time of action and on any other emergency, when the regimental surgeons are not sufficient in number to attend properly to the sick and wounded, that cannot be removed to the hospitals, the director, or deputy director general of the district, be empowered and

[1]The letter of Washington is in the *Papers of the Continental Congress*, No. 152, IV, folio 61. That of New York is in No. 67, II, folio 37.

required, upon the request of the physician and surgeon general of the army, to send, from the hospitals under his care, to the assistance of such sick and wounded, as many physicians and surgeons as can possibly be spared from the necessary business of the hospitals.

That the director, deputy directors general, assistant deputy directors, physicians and surgeons general, be, and they are hereby required and directed to employ such parts of their time, as may conveniently be spared from the duties before pointed out to them, in visiting and prescribing for the sick and wounded of the hospitals under their care.[1]

That the establishment of the medical department be as follows:

1 director general,	6 dollars a day and	9 rations,
3 deputy directors general,	5 do.	6 do.
Indeterminate assistant deputy director,	3 do.	6 do.
4 physicians general and 4 surgeons general each,	5 do.	6 do.
1 to each army, physician and surgeon general of the army,	5 do.	6 do.
Senior Surgeons,	4 do.	6 do.
Second Surgeons,	2 do.	4 do.
Surgeons' mates,	1⅓ do.	2 do.
Apothecaries general,	3 do.	6 do.
Mates,	1⅓ do.	2 do.
Commissary,	2 do.	4 do.
Clerk, who is to be pay master,	2 do.	4 do.
Assistant clerks,	⅔ do.	1 do.
Stewards,	1 do.	2 do.
Matron,	½ do.	1 do.
Nurses,	24-90	1 do.
Stabler,	1 do.	1 do.
Regimental surgeons,	2 do.	4 do.
Ditto, mates,	1⅓ do.	2 do.

[1] These two paragraphs, in the writing of James Wilson, are in the *Papers of the Continental Congress*, No. 22, folio 26½.

Ordered, That the regulations respecting hospitals be published.

The several matters to this day referred [being postponed,]

||Adjourned to 10 o'Clock to Morrow.||

WEDNESDAY, APRIL 9, 1777

A letter, of the 8th, from General Putnam, at Princetown, ||was read:||[1]

Ordered, That the delegates of the State of Pensylvania, be directed to deliver a copy of the said letter to the council of the said State.

Resolved, That 1,300 dollars be advanced to Robert Erwin, waggon master general, for the public service, he to be accountable.

A certificate from Artemas Ward, respecting Joseph Ward, Esq. was read:

Ordered, That it be referred to the Board of Treasury.

A petition from ~~a justice of the peace, the selectmen, and committee of inspection~~ sundry inhabitants of the town of Westmoreland, was read.[2]

Ordered, To lie on the table.

Resolved, That a committee of five be appointed to consider what steps are proper to be immediately taken by Congress, and recommended to the State of Pensylvania, for opposing the enemy, if they should attempt to penetrate through New Jersey, or to attack Philadelphia:

That the said committee be instructed to confer on these subjects with the executive powers of the State of Pensylvania, and with the general officers now in Philadelphia.

[1] This letter is in the *Papers of the Continental Congress*, No. 159, folio 57. It is printed in *Pennsylvania Archives*, First Series, V, 300.

[2] This petition is in the *Papers of the Continental Congress*, No. 59, III, folio 5. It was addressed to Roger Sherman.

The members chosen, Mr. [James] Wilson, Mr. [George] Clymer, Mr. R[ichard] H[enry] Lee, Mr. [Abraham] Clark, and Mr. J[ohn] Adams.

Sundry persons being nominated for filling the office of commissary general of musters,

Resolved, That the election be postponed till to morrow.

Resolved, That to morrow be assigned for nominating gentlemen for the offices of director and deputy directors general, physicians general and surgeons general of the military hospital, and the physicians and surgeons general of the respective armies, and that the election be on the day following.

The Board of War brought in a report, which was taken into consideration; Whereupon,

Resolved, That the commissary general of military stores, be directed immediately to furnish as many rifles, (not exceeding 1,000,) to be sent to Fort Pitt, as he can procure, and that the quarter master general furnish such things as are in his department, for the use of the troops stationed at Pittsburg, and on the frontiers of Virginia and Pensylvania, agreeable to a list furnished by Colonel George Morgan.[1]

That an experienced officer be sent to Fort Pitt, to take the command on the frontiers aforesaid, and to embody such of the militia, (not exceeding 1,000,) there, as he shall think adequate to the defence of the country.

That the 200 men, directed by Congress to be raised by a resolution of Congress on the 8th of January last, shall not be called to any other service, without their consent, than that expressed in the said resolution.

That one ton of lead be sent to Pittsburg from Philadelphia.

That the Governor of Virginia be desired to send four tons of lead from that State to Pittsburg.

[1] Against this paragraph is written "postponed" in the original report.

That Jacob Bauer be appointed a captain, and Lawrence Meyer a first lieutenant, in the corps commanded by Major Ottendorf.

That it be recommended to the good people of the states, to furnish the commissary general of military stores, with all such articles as he may want for the use of the army, at a reasonable price: and that the several legislatures, or executive powers of the states, be desired to exempt from military duty all persons in the militia, who are or shall be employed in casting shot, and manufacturing military stores of every species, while such persons shall be employed in the said service.[1]

The Committee of Treasury reported,

That there is due to Christopher Ludwig, for maintaining Hessian prisoners, and for cash he paid to several Hessian deserters who brought in their arms, the sum of [£46 9 6/90=] 123 84/90 dollars.[2]

Ordered, That the said account be paid.

The Board of Treasury brought in a report, which was taken into consideration; Whereupon, Congress came to the following resolution:

To remedy the inconveniences arising from the payment of money by several pay masters in the same department,

Resolved, That the pay master, and deputy pay masters general, be directed forthwith to consult the commanders in chief of their respective districts, and appoint deputies to repair to such posts and places of rendezvous, and answer the draughts of such officers stationed thereat, as the said commanders in chief shall respectively direct;

[1] This report, in the writing of Richard Peters, is in the *Papers of the Continental Congress*, No. 147, I, folio 127. The last paragraph, in the writing of Joseph Nourse, was entered as of April 2.

[2] This report is in the *Papers of the Continental Congress*, No. 136, I, folio 113.

that the deputies be supplied with money by the respective pay master and deputy pay masters general, and account with them therefor, and that all other pay masters of the army cease to act at the posts and places provided with deputies as aforesaid.

Resolved, That Mr. James Mease, and Mr. Richard Dallam, be directed, forthwith, to prepare, and render to the commissioners for settling the accounts of the army in the States of New York and New Jersey, their respective accounts for monies advanced to them by the United States, excepting only the sums received by the former as cloathier general of the army; and the commissioners are directed to attend, without delay, to the settlement of their accounts.

That the commissioners to be appointed "to examine such claims against the United States as may be presented to Congress for payment," when a necessary attention to their other duties will admit thereof, shall adjust the accounts of any public bodies, person or persons whatever, to whom money has been advanced by the United States, which may be referred to them by Congress or the Board of Treasury.[1]

Resolved, That the pay of the last mentioned commissioners be 4 dollars a day.

Ordered, That the Secret Committee sell to the delegates of New Jersey, a quantity of sulphur, not exceeding 1,000 lb. if the same can be spared.

Resolved, That Timothy Hughes be appointed a captain in Colonel Livingston's regiment.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

[1] This report, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 136, I, folio 111.

THURSDAY, APRIL 10, 1777

A letter, of the 8, from General Mifflin; and,

A petition from Allen M'Donald, a prisoner at Reading;

A petition from Thomas Lowry; and

A letter, of the 7th, from Joseph Borden, and one, of the 8th, from Christian Febiger, ||were read.||[1]

Ordered, That the petition of Thomas Lowry, be referred to the Board of Treasury.

That the letter from Joseph Borden, Esq. be referred to the Board of War; who are directed to return a box of cartridges to the county of Burlington, in lieu of the box belonging to them, which was expended by continental troops.

Resolved, That 1,000 dollars be advanced to Lieutenant Colonel Christian Febiger, for the use of his regiment; he to account with the pay master general, when the first pay roll is made up for the said regiment.

Resolved, That an order for 40,000 dollars be drawn on the commissioner of the loan office for the state of Pensylvania, in favour of the Navy Board, the said Board to be accountable.

The committee appointed to revise and amend the articles of war, brought in a report, which was read:

Ordered, To lie on the table.

The committee appointed to consider what steps are proper to be immediately taken by Congress for opposing the enemy, brought in a report, which was taken into consideration; Whereupon,

Resolved, That a camp be immediately formed on the western side of Delaware, to which the continental troops, now in Philadelphia, and on their march from the south-

[1] The petition of McDonald is in the *Papers of the Continental Congress*, No. 42, V, folio 41; the letter of Borden is in No. 78, II, folio 167; that of Febiger, in No. 78, IX, folio 77.

ward and westward, shall be ordered to repair with all expedition.

That it be recommended to the supreme executive council of the commonwealth of Pensylvania, to put not less than three thousand of the militia of that state in readiness to march to the camp before mentioned, on the shortest notice.

That proper officers be immediately despatched to enquire into the number and condition of the troops at Annapolis, and between that city and Philadelphia, and to hasten the march of such as are fit for service.

Resolved, That General Schuyler be, and he is hereby, directed to carry the foregoing resolutions into execution.

Ordered, That a copy of the foregoing resolutions be sent to the supreme executive council of the Commonwealth of Pensylvania.

That General Washington be immediately informed, by express, of the resolves now agreed on; and that he be informed that Congress mean not, by forming a camp on the west of Delaware, to delay the continental troops, or to prevent their joining the army under his command as fast as he shall think proper to order them; and that the committee, who brought in the report, bring in the draught of a letter to the General, assigning the particular reasons that induced Congress to come into the resolutions.

Resolved, That Mr. James Mease be directed to advance to Colonel Joseph Wood, a sum sufficient to pay the arrears due to his batallion, taking his receipt for the money advanced, and transmit the same to the pay master general, to be produced against him on the settlement of the accounts of his said batallion.

The Board of Treasury brought in a report, which was taken into consideration; Whereupon,

Resolved, That General Washington be directed to transmit to the Board of War, a list of his appointments,

in consequence of the powers with which he is invested by Congress, together with a copy of all commissions originating from and issued by him.

That the commanders in chief of the several departments, previous to the discharge of any regiment or corps of militia reinforcing the army, be respectively directed to issue their warrants on the pay master or deputy pay master general for the amount of the pay due to the same; and, when the military chest is unsupplied, the pay master or deputy pay master general is authorized to draw on the president for the amount of such warrants.

Resolved, That Brigadier General Hand be, and he is hereby, ordered immediately to repair to Fort Pitt, and take measures for the defence of the western frontiers, agreeable to the resolutions of Congress, passed the 9th ||instant.||

Resolved, That the commissary general of musters, have the rank of colonel in the army of the United States: that the deputy muster masters general have the rank of lieutenant colonels in the army of the United States.

Congress proceeded to the election, and the ballots being taken,

Joseph Ward, Esqr was elected commissary general of musters.

Richard Varick and William Bradford, Jun. were elected deputy muster masters general.

Resolved, That the nomination and election of the other two be postponed till to morrow.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.[1]

[1] In the *Papers of the Continental Congress*, No. 147, 1, folio 135, is a report of the Board of War, dated April 10, as follows:

"Agreed, That the Clerk of the Board call on the Secretary of Congress every day for all Resolutions of Congress relative to the Board and which in any wise concerns their Department."

FRIDAY, APRIL 11, 1777

A letter of the 9th, from General Washington;

One of the 8, from Governor ||president|| M'Kinley;

One, of the 9, from General Putnam, ||were read.||[1]

Ordered, That the letter from Governor ||president|| M'Kinley be referred to the Board of Treasury.

Resolved, That Governor ||president|| M'Kinley be requested, with the advice of his council, to appoint a suitable person to supply with provision, the company to be stationed for the protection of Lewistown and the neighbourhood.

A letter, of the 10, from General Washington, with sundry papers enclosed, respecting the exchange of prisoners; and a letter from the Chevalier de Vrecourt, &c. was laid before Congress and read:[2]

Ordered, That the papers, respecting the exchange ||of prisoners,|| be published; that the letter from the Chevalier de Vrecourt, be referred to the committee on foreign applications, and that the General's letter, with the other papers, be referred to the Board of War.

Congress proceeded to the election of the two remaining deputy muster masters general; and the ballots being taken,

Mr. William Yates and Mr. George North were elected.

Congress then proceeded to the election of the officers in the hospital department; and the ballots being taken,

Dr. William Shippen, Junr was chosen, by the unanimous vote of the thirteen states, director general of all the military hospitals for the armies of the United States.

Dr. Walter Jones, was elected physician general of the hospital in the middle department.

[1] The letter of Washington is in the *Papers of the Continental Congress*, No. 152, IV, folio 65.

[2] This letter is in the *Papers of the Continental Congress*, No. 152, IV, folio 69. That of Vrecourt is in No. 78, XXIII, folio 35-1.

Dr. Benjamin Rush, was elected surgeon general of the hospital in the middle department.

Dr. John Cochran, was elected physician and surgeon general of the army in the middle department.

Dr. Isaac Forster, deputy director general of the hospital in the eastern department.

Dr. Ammi Ruhamah Cutter, physician general of the hospital in the eastern department.

Dr. Philip Turner, surgeon general of ditto.

Dr. William Burnet, physician and surgeon ||general|| of the army ||in the eastern department.||

Dr. Jonathan Potts, was elected deputy director general of the hospital in the northern department.

Dr. Malachi Treat, physician general of ditto.

Dr. Forgue, surgeon general of ditto.

Dr. John Bartlett, physician and surgeon general of ditto.

Resolved, That a committee of three be appointed to make diligent enquiry respecting the truth of an information, just given to Congress, of a quantity of provisions being laid up in the city of Philadelphia; and if, upon enquiry, the same be found true, to take effectual measures, in conjunction with the board of war of Pensylvania, for preventing the same from falling into the hands of the enemy.

The members chosen, Mr. [William] Duer, Mr. S[amuel] Adams, and Mr. [Abraham] Clark.

The Board of Treasury reported,

That there is due to Dr. J. Ramsey, and to be paid to the honorable Jonathan Elmer, Esq[r] for sundry medicine supplied the New Jersey troops, the sum of £9 3 6 equal to 24 42/90 dollars:

That there is due to Dr. James Tilton, for sundry medicine supplied the batallion of the state of Delaware, the sum of £10, equal to 26 60/90 dollars:

That there is due to Dr. William Currie, for sundry medicine supplied the 5, or Colonel Johnston's Pensylvania batallion, the sum of £50 17 2 equal to 135 56/90 dollars:

That there is due to John Skinner, for sundry provisions supplied the troops at Cranberry, in the state of New Jersey, and for his pay as assistant commissary, agreeable to his account, as settled by Mr. Carpenter Wharton, deputy commissary general the sum of £352 3 2 equal to 939 8/90 dollars: this sum is exclusive of waggonage and other charges, to be settled in the quarter master general's department:

That there is due to William Whipple, Esqr. for the expence of conveying 60,000 dollars from Philadelphia to the state of New Hampshire, the sum of £20 14 7½ lawful money, equal to 69 9/90 dollars:[1]

Ordered, That the said accounts be paid.

Resolved, That General Schuyler be desired to issue warrants on Mr. Mease, for the payment of arrearages due to the Maryland militia, that served in the army during the winter campaign.

The Board of War brought in a report, which was taken into consideration: Whereupon,

Resolved, That 170 fire arms, either muskets or rifles, 200 wt. of powder, 800 wt. of lead, and 500 flints, be sent to the town of Westmoreland, on the east branch of Susquehannah river, to the care of Colonel Nathan Dennison, to be used by the militia there, for the defence of the said town, if necessary; the arms to be returned when the service there will admit of it:

That the pay of the deputy quarter master general in the northern department, be raised to 60 dollars per

[1] This report, dated April 9, is in the *Papers of the Continental Congress*, No. 136, I, folio 115.

month, in consideration of the extra trouble that attends the execution of his office in that department:

That the pay of brigade majors, in the continental army, be raised to 50 dollars a month:

That the pay of the regimental chaplains in the continental army be raised to 40 dollars a month:

That the pay of the judge advocate be raised to 60 dollars a month:

That Colonel Morgan procure as much of the provision, ordered by Congress, to be laid up at Fort Pitt, by their resolution of the 8th January last, as General Hand shall think necessary:

That General Hand determine the number and kind of cannon necessary to be sent to Fort Pitt:

That three tons of powder be sent to Fort Pitt from Lancaster:

That Colonel Flower, commissary general of military stores, be empowered to purchase 200 rifles and their accoutrements, to be sent to Fort Pitt:

That General Hand have discretionary power as to the number of men to be embodied for the defence of the frontiers, if, on any emergency, he shall think a greater number than one thousand necessary:[1]

The Committee on Foreign Applications, brought in a report, ||which was taken into consideration;|| Whereupon,

Resolved, That the Chevalier de Preudhomme de Borré have the rank and pay of a brigadier general in the army of the United States of America, from the 1 day of December last; according to the compact made between him and the honorable Silas Deane, Esqr.

||Adjourned to 10 o'Clock to Morrow.||

[1] This report, dated April 10 and 11, is in the *Papers of the Continental Congress*, No. 147, I, folio 137.

SATURDAY, APRIL 12, 1777

Resolved, That 100,000 dollars be advanced to Dr. Shippen, director general, for the use of the hospitals; he to be accountable.

A letter, of the 9, from Commodore Hotham, on board the *Roebuck*, in old Hoarkill road, directed to R. Morris, Esq[r] was laid before Congress, and read.

Ordered, That the same be referred to the Marine Committee.

Resolved, That a committee of three be appointed to devise ways and means of aiding the recruiting service, and preventing abuses therein:

The members chosen, Mr. [Thomas] Burke, Mr. [James] Wilson, and Mr. R[ichard] H[enry] Lee.

Congress proceeded to the election of commissioners to examine such claims against the United States as may be presented to Congress for payment; and, the ballots being taken,

John Benezet, Robert Ritchie, and Thomas Fitzsimons, were elected.

Resolved, That the surgeons general and physicians general of the hospitals, shall, each of them regulate the practice of both physic and surgery, and do the duty of physician and surgeon general in the hospitals respectively committed to their charge, and that the director and deputy directors general take proper care to keep the sick and wounded in separate departments.

A memorial from Robert Levers was read;[1] Whereupon,

Resolved, That Mr. J. Mease be directed to advance to Robert Levers, pay master of the 12th Pensylvania battallion, the sum of nine hundred and nineteen pounds, 14 9

[1] This memorial is in the *Papers of the Continental Congress*, No. 43, folio 165.

equal to 2,453 57/90 dollars; and that the same be charged to his account, and his receipt transmitted to R. Dallam, Esq[r] that he may account for the same at the settlement of his accounts.

The Committee on the Post Office brought in a report, which was taken into consideration; Whereupon,

Resolved, That the post master general be authorized to make an additional allowance to the deputy post masters, of any sum not exceeding 200 dollars per annum, when he shall find the same to be absolutely necessary.

That 2,000 dollars be advanced to the post master general; he to be accountable.

Resolved, That 500 dollars be allowed for erecting the monument to General Warren, and the like sum for erecting the monument to General Mercer.

That it be recommended to the executive powers of Massachusetts bay and Virginia, to take the most effectual measures for carrying into execution the resolves of Congress, passed the 8 instant, respecting Generals Warren and Mercer.

Resolved, That the commissioners "to examine such claims against the United States, as may be presented to Congress for payment" shall take an oath of office and fidelity to the United States, to be administered by the president, and a certificate thereof filed in the treasury, previous to their entering upon the duty of their appointment.

A memorial from Major Romand de Lisle; and

A memorial from Mons. Imbert,

And one from Mons. de Bordes, were read;[1] Whereupon,

[1] The memorial of Romand de Lisle is in the *Papers of the Continental Congress*, No. 41, V, folio 179. That of Imbert is in No. 41, IV, folio 384. That of De Bordes is in No. 42, I, folio 129. A second petition of De Lisle, without date, is in No. 42, IV, folio 106. A letter from De Lisle, dated April 6, 1777, is in the same volume, folio 126, and one from Imbert, of the same date, on folio 122.

Resolved, That the sum of 64 dollars be advanced to each of the memorialists, for the purpose of paying their passage to St. Domingo.

Resolved, That the Count de Vrecourt be appointed an engineer in the service of the United States of America, with the rank and pay of a colonel.

Resolved, That the report of the committee on departments, brought in the 8th, be re-committed, ~~and that General Schuyler be added to the said committee~~.

The committee appointed to consider the means of introducing better discipline in the army, brought in a report, which was read.

The committee of Congress at Philadelphia, ||which acted|| during the time Congress sat at Baltimore, laid before Congress a state of their accounts and expenditures, and also a copy of the letters and papers received, and of those written by them; Whereupon,

Ordered, That the accounts be referred to the Board of Treasury, and that the other papers be lodged in the secretary's office.

The committee on appeals having reported, that they have heard the appeal, entered on the part of Jonathan Burnel, and others, owners or claimants of the brigantine *Sherburne*, &c. from the verdict found, and sentence of condemnation passed in the court of admiralty for the port of Philadelphia, in the state of Pensylvania, against the said brigantine, fully argued, proceeded to give judgment thereupon, and the opinions of the said committee, to wit: James Wilson, Jonathan D. Sergeant, John Adams, Roger Sherman, Thomas Burke, and William Ellery, being delivered, the said committee was equally divided, by reason whereof no judgment could be given:

Whereupon, in order that no failure of justice may ensue,

Resolved, That a committee of five be appointed to rehear and determine the said appeal:

The members chosen, Mr. [Thomas] Heyward, Mr. R[ichard] H[enry] Lee, Mr. [George] Clymer, Mr. [William] Duer, and Mr. [Benjamin] Rumsey.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock on Monday.

MONDAY, APRIL 14, 1777

A letter, of the 13, from General Putnam;

A copy of one, of the 12, from H. Fisher, at Lewistown;

And a letter, of the 2, from Brigadier General A. Wayne, at Ticonderoga, with sundry papers enclosed, were read.[1]

Ordered, That the letter from Brigadier A. Wayne, and the letters enclosed, be referred to the Board of War.

The Board of War brought in a report, which was taken into consideration; Whereupon,

Resolved, That 1,000 dollars be advanced to Captain Samuel Kearsly, towards enabling him to raise the company he is appointed to by his Excellency General Washington.

That the company appointed by a resolution of Congress of the 22 January, to be raised under the command of Captain Samuel Morehead, for the defence of the frontier inhabitants and public stores, at and near the Kittanning, shall not be called to any other service without their consent.

That Charles Seitz be appointed adjutant to the corps commanded by Major Ottendorf, in the room of Bartholomew Van Hare, appointed in the artillery.[2]

[1] The letter of Putnam is in the *Papers of the Continental Congress*, No. 159, folio 61. That of Fisher is in No. 78, IX, folio 79, and that of Wayne, in No. 161, folio 205.

[2] This report is in the *Papers of the Continental Congress*, No. 147, I, folio 141.

The committee for devising ways and means for aiding the recruiting service, and preventing abuses therein, brought in a report, which was ||read and|| taken into consideration; Whereupon,

Resolved, That it be recommended to the executive powers of each of the United States, to enquire into the conduct of all officers on the recruiting service within them respectively; to remove all such as belong to the batallions of their respective quotas, who have neglected their duty, or abused the trust reposed in them, and shall be found within their respective jurisdiction; and to fill up all vacancies which may happen by such removals; to transmit to Congress all such testimony as shall be taken against any officer or officers, who may have marched or removed from the State to whose batallions he or they belong, and against any officer or officers belonging to the quota of another state, who may have been guilty of neglect or misbehaviour in the State where the enquiry shall be made.

That it be recommended to the said executive powers to procure exact returns of the continental troops in each, and transmit the same to Congress, without delay. And all officers and soldiers of the continental army, are hereby required to pay the strictest regard to the orders of the executive powers of the several States touching the aforesaid premises.

~~Resolved, That all such Companies as shall not on or before the day of next, muster to the number of , shall be immediately thereafter dissolved, and the non-commissioned Officers and Privates thereof, shall be incorporated into any other complete Companies of the same Battalions, at the choice of the said non-commissioned officers and privates respectively, and the Commissions of all the Officers of every such dissolved Company, shall from and after such dissolution be Void.~~

Resolved, That it be recommended to the legislatures of each of the United States, to enact laws exempting from actual service any two of the militia, who shall, within the time limited by such laws, furnish one able-bodied recruit, to serve in any batallion of the continental army for the term of three years, or during the present war: such exemption to continue during the term for which the recruit shall inlist, and every such recruit to be entitled to the continental bounty, and other allowances:

That it be recommended to the legislatures aforesaid, respectively, to enact laws, compelling all such persons as are by laws exempted from bearing arms, or performing militia duties, ~~by reason of religious Scruples or particular privileges~~ other than such as are specified in the foregoing resolve, to furnish such a number of able-bodied soldiers, as the said legislatures respectively shall deem a proper equivalent for such exemptions; such soldiers to be entitled to the continental bounty and other allowances, over and above such gratuities as they may receive from those who procure them to inlist:

Also, to permit the inlisting of servants and apprentices, ~~and to make Compensations to their Masters equal to the Value of their Services~~ and to prohibit the imprisoning, or otherwise restraining the persons of soldiers in the continental service, for any debt not exceeding fifty dollars.[1]

And, whereas, it is of the greatest moment to the cause of American freedom, that an army of considerable strength take the field early the ensuing campaign,

Resolved, That if the several quotas of the States cannot be furnished by any of the means recommended in the

[1] "The Resolution with respect to servants was originally followed by a clause requiring compensation to be made to owners and masters; but it fell through on an equal division; those voting against it, who were most interested in the affirmative." *Thomas Burke to Caswell*, 15 April, 1777. *North Carolina Colonial Records*, xi, 450.

foregoing resolutions, or any other means by the said legislatures devised, before the 15th day of May next, it is recommended to each State, to cause indiscriminate draughts to be made from their respective militia ~~without regard to Rank, Sect of Religion or other Privilege whatsoever~~.

That it be recommended to the said legislatures, to apply all the means by these resolutions recommended, in the manner which they shall judge most effectual for speedily compleating the army, and, in case they shall prove unsuccessful, that they cause the draughts aforesaid to be made.

Resolved, That the executive power of each State, be authorized and empowered to order such officers, as they shall judge proper, from the respective batallions and companies of their respective quotas, to remain within the State, for the purpose of aiding in inlisting and collecting the recruits, which may be furnished under the above recommended regulations, and to convey the same to the batallions and companies to which they shall belong; such officers to be under the direction of such executive powers respectively.[1]

The committee appointed to confer with the board of war of Pensylvania, brought in a report, which was taken into consideration; Whereupon, Congress came to the following resolutions:

Whereas the State of Pensylvania is threatened with an immediate invasion, and from the adjournment of the legislative and executive authority of the commonwealth, it is impracticable to carry into immediate execution, many measures of the utmost importance, not only to the safety of this commonwealth, but likewise to the general welfare of the United States,

[1] This report, in the writing of Thomas Burke, is in the *Papers of the Continental Congress*, No. 21, folio 127.

Resolved, That it is the indispensable duty of Congress, to watch over all matters, the neglect of which may, in its consequences, deeply affect the welfare of the United States, till such time as the legislative and executive authorities of the commonwealth of Pensylvania, can resume the [regular] exercise of their different functions.

Resolved, That his excellency the president of the supreme executive council of the commonwealth of Pensylvania, be requested, forthwith, to convene the legislative and executive authorities of the State of Pensylvania, in order that proper measures may be pursued for the defence of the same.

Resolved, That a committee of three be appointed to confer with the president of the supreme executive council, with such other members of the said council as can be convened, with the board of war for the State of Pensylvania, and with the delegates of the said State in Congress, concerning the mode of authority which they shall conceive most eligible to be exercised, during the recess of the house of assembly and the council, in order that the same, if approved of by Congress, may be immediately adopted.[1]

The members chosen, Mr. S[amuel] Adams, Mr. [William] Duer and Mr. R[ichard] H[enry] Lee.

The committee appointed to revise and amend the articles of war, brought in a report, which was taken into consideration; Whereupon,

Resolved, That, from and after the publication hereof, the 2d article of the 8th section, the 1st article of the 11th section, the 8th article of the 14th section, and the 2d article of the 18th section, of the rules and articles for the better government of the troops raised, or to be raised, and kept in pay, by, and at the expence of the United States

[1]This report, in the writing of William Duer, is in the *Papers of the Continental Congress*, No. 20, II, folio 1.

of America, passed in Congress the 20th day of September, seventeen hundred and seventy-six, shall be, and they are hereby, repealed; and that the four following articles be substituted in the place and stead thereof.

Art. 1. All officers and soldiers shall have full liberty to bring into any of the forts or garrisons of the United American States, any quantity of eatable provisions, except where any contracts are, or shall be, entered into by Congress, or by their order, for furnishing such provisions, and with respect only to the species of provisions so contracted for.

Art. 2. If any officer shall think himself to be wronged by his colonel, or the commanding officer of the regiment, and shall, upon due application made to him, be refused to be redressed, he may complain to the continental general commanding in the State where such regiment shall be stationed, in order to obtain justice; who is hereby required to examine into the said complaint, and take proper measures for redressing the wrong complained of, and transmit, as soon as possible, to Congress, a true state of such complaint, with the proceedings had thereon.

Art. 3. No sentence of a general court martial shall be put in execution, till after a report shall be made of the whole proceedings to Congress, the commander in chief, or the continental general commanding in the State, where such a general court martial shall be held, and their or his orders be issued for carrying such sentence into execution.

Art. 4. The continental general, commanding in either of the American States, for the time being, shall have full power of appointing general courts martial to be held, and of pardoning or mitigating any of the punishments ordered to be inflicted for any of the offences mentioned in the afore-mentioned rules and articles for the better government of the troops; except the punishment of offenders,

under sentence of death, by a general court martial, which he may order to be suspended until the pleasure of Congress can be known, which suspension, with the proceedings of the court martial, the said general shall immediately transmit to Congress for their determination. And every offender, convicted by any regimental court martial, may be pardoned, or have his punishment mitigated by the colonel, or officer commanding the regiment.

Resolved, That the resolution, passed the 27 of December last, for erecting a magazine and laboratory in the town of Brookfield, in the state of Massachusetts bay be repealed; and that, instead thereof, a magazine sufficient to contain 10,000 stands of arms, and two hundred tons of gunpowder, and a laboratory adjacent thereto, be erected in Springfield, in the said State.

Resolved, That a committee of three be appointed, to consider what reward it will be proper to offer, for destroying or taking the enemy's ships of war and transports:

The members chosen, Mr. J[ohn] Adams, Mr. [Daniel] Roberdeau and Mr. [James] Wilson.

Resolved, That a committee of three be appointed to enquire into the mode heretofore observed by officers, in making up their pay rolls, and to prepare a resolution for preventing any abuses therein:

The members chosen, Mr. [Daniel] Roberdeau, Mr. [Thomas] Burke and Mr. [Benjamin] Rumsey.

A memorial from James Caldwell was read:

Ordered, That it be referred to the Board of Treasury.

The committee appointed to enquire into the conduct of the commissaries, reported,

"That they have made the enquiry directed, as far as time and opportunity would admit; and find that the conduct of several, employed in that department, is very

exceptionable, discovering either a want of ability or integrity in discharging their trust, by which means, the public will probably suffer great loss, and the same extravagance and dissipation of public money continue, while such numbers of disqualified persons are continued in that employ, who, regardless of the general good, are raising the prices of the articles they purchase by bidding upon each other, under an idea of receiving commissions or compensations proportioned to the sums they expend;" Whereupon,

Resolved, That for preventing the like impositions for the future, commissaries be commissioned by Congress, in different districts, under proper regulations, in which their duty shall be clearly ascertained.[1]

That the committee who brought in the foregoing report, be directed to prepare and bring in, a draught of regulations for the purpose before-mentioned.

Mr. [Abraham] Clark, upon his application, obtained leave of absence to visit his family.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

TUESDAY, APRIL 15, 1777

A letter, of the 12, from General Washington;

One of this day, from Colonel Baron Arendt;

One, of the 21 of March, from four officers of the British navy, in Worcester gaol;

A letter, of the 4, from the commissioners appointed by the States of New York, New Jersey, Pensylvania, Delaware, Maryland and Virginia, for the purpose of regulating the price of labour, of manufactures, and of

[1]This report, in the writing of Abraham Clark, is in the *Papers of the Continental Congress*, No. 29, folio 73.

internal produce within those States, &c. with a copy of their proceedings;

Also, a letter from Charles Adrian Fountaine, were laid before Congress and read:[1]

Resolved, That 70,000 dollars be advanced to Carpenter Wharton, for the public service; he to be accountable.

The committee appointed to confer with the president and members of the supreme executive council of the commonwealth of Pensylvania, the board of war of the said State, and the delegates representing the same in Congress, concerning the authority which should be deemed eligible to be exercised during the recess of the council and assembly, reported, That they have had a conference, agreeable to the order of Congress, and that it appears clearly to the members in conference, that the executive authority of the commonwealth of Pensylvania is incapable of any exertion adequate to the present crisis; and that it is of the greatest importance that every power should be called forth into action, which may conduce to the safety of this State, with which the liberties and prosperity of the whole are so intimately connected; from this consideration, and at the particular instance and request of the president [and] of the supreme executive council, and the board of war of the State of Pensylvania, they beg leave to recommend the following resolutions to be adopted by Congress:

That the president of the supreme executive council of the commonwealth of Pensylvania, together with as many members of the said council as can be convened, the board of war, and, in such cases as relate to the marine, the navy board of said State, should, in the present critical exigency of affairs, exercise every authority to promote the safety of the State, till such time as the

[1]See note under April 16, *post*. The letter of DeArendt is in No. 78, VII, folio 101.

legislative and executive authorities of the commonwealth of Pensylvania can be convened:

That it be, and it is hereby, earnestly recommended by Congress to the good people of Pensylvania, cheerfully to submit to the exertion of an authority which is indispensably essential to the preservation of the lives, liberties, and property of themselves, their families and posterity:

That the commanding officer of the continental forces in this city, afford every possible assistance in carrying into execution all such measures as may be recommended to him by the authority abovementioned:

That Congress will cheerfully co-operate with the authority abovementioned, in facilitating every measure which may be deemed conducive to the safety of the State:

Congress taking into consideration the foregoing report:

Resolved, That the same be concurred in, and that the resolutions proposed by the committee be agreed to.

Resolved, That 7,165 dollars be advanced by Mr James Mease to Richard Stevens, Esqr pay master of the 10th Virginia batallion commanded by Colonel Edward Stevens, for the purpose of paying the said batallion.

Resolved, That two months' pay be advanced to Colonel the Chevalier de Vrecourt.

Resolved, That Monsieur du Plessis be recommended to General Washington, to be appointed a captain in the artillery.

Resolved, That an allowance of one hundred and twenty-five dollars per month be made to Brigadier General Robert Howe, to commence at the time he was left by Major General Lee, to command in South Carolina and Georgia; the said allowance being considered as necessary to defray the expences of his table while he commands there, and

to continue so long as he shall be in such command; and that the same allowance be made to any officer of equal rank who shall hereafter succeed to the said command in that department.

The Board of War brought in a report, which was taken into consideration; Whereupon,

Resolved, That 4,000 dollars be advanced to ||brigadier|| General Hand, to erect such works at Pittsburg as he shall think necessary, and towards contingent expences; he to be accountable.

That Brigadier General Lewis's resignation be accepted.

A petition from Walter Drummond, was read:

Ordered, That it be referred to the Board of Treasury.

Whereas, the continental batallions are all on one footing, liable to the same kind of services, and entitled to equal privileges;

Resolved, That the appellations, "Congress's own regiment," "General Washington's life guards," &c. given to some of them, are improper, and ought not to be kept up; and the officers of the said batallions are required to take notice hereof, and conform themselves accordingly.[1]

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, APRIL 16, 1777

A letter, of the 12, from General Washington;

One of the same date from the General to the committee of Congress appointed to write to him, were laid before Congress and read:[2]

[1] In the *Papers of the Continental Congress*, No. 42, VI, folio 409, is a petition of John Rolanson, which was read this day, and rejected.

[2] This letter to Congress is in the *Papers of the Continental Congress*, No. 152, IV, folio 79. That to the committee is on folio 75.

Ordered, That the last be referred to General Schuyler, who is directed to carry into execution the measures therein recommended.

Sundry letters being intercepted by the Pensylvania board of war, were laid before Congress, and read; Whereupon, Congress came to the following resolution:

Whereas, it appears to Congress, from letters intercepted by the Pensylvania board of war, that certain persons, inimical to the liberties of America, have invited the enemy to attempt a surprize on this city, in order to make themselves masters of the stores and provisions now in it; and whereas, it is apprehended, that the executive authority at present exercised in the State of Pensylvania, will be so occupied with matters of the highest importance to the safety of the State, as not to be able to attend to the removal of said stores and provisions in due time;

Resolved, That it be recommended to the president and members of the executive authority of this State, to request the commanding officer of the continental forces in this city, to take the most effectual means, that all provisions and every other article, which, by falling into the hands of the enemy, may aid them in their operations of war against the United States, or the loss of which might distress the continental army, be immediately removed to such places as he shall deem most convenient and secure.

An appeal being this day delivered to the secretary from the judgment of the court of admiralty, held at Plymouth, in the State of Massachusetts bay, for the counties of Plymouth, Barnstable, Bristol, Nantucket and Dukes County, on a libel against the schooner *Industry*, Charles Coffin, master, which appeal was made in the court aforesaid, on the 23 of October, 1776, the judgment

of Congress was taken whether the same should be received; Whereupon,

Resolved, That the said appeal be received, and referred to the standing committee on appeals.

A motion being made and seconded, after debate,

Resolved, That it be referred to a committee of four.

The members chosen, Mr. [William] Duer, Mr. S[amuel] Adams, Mr. R[ichard] H[enry] Lee, and Mr. [John] Witherspoon.

Resolved, That £800, equal to 2,133 1/3d dollars be advanced to Samuel Wheeler, on account of iron field-pieces he has contracted to make for the Continent; he to be accountable.

Resolved, That two months' pay be advanced to Mons. du Plessis; he to be accountable.

Resolved, That Carpenter Wharton be directed to deliver to the order of Brigadier General Hand, two hundred bushels of salt, for the use of the forces on the western frontiers.

Resolved, That it be recommended to the general assembly of the State of Rhode Island and Providence Plantations, to collect, with the utmost despatch, the whole force thereof, and therewith, aided by such parts of the militia of Massachusetts bay and Connecticut, as are contiguous to the said State, to attack and destroy the enemy on the island of Rhode Island aforesaid.

Resolved, That it be, and hereby it is, recommended to the States of Massachusetts bay and Connecticut, to give every assistance in their power, by calling out the militia of their respective towns, which lie next to the State of Rhode Island, &c. and to promote and execute this important service.

Resolved, That General Washington be directed to appoint such general officer as he shall judge proper, to carry the foregoing resolutions into effect.

Ordered, That a copy of the foregoing resolutions be sent by express to General Washington, and the three New England States.

Congress being informed that divers ill affected persons have in contemplation to destroy the ferry-boats on that part of Hudson's river above Saratoga, at the time that the enemy's army may arrive from Canada, in order to obstruct the movements of the American troops and to distress them:

Resolved, That General Gates be informed of this by express, and that he be directed to take timely and effectual measures to prevent the execution of this pernicious project.

Resolved, That the report on the quarter master's department be re-committed, and that the committee be directed to confer with General Schuyler on the subject.

The committee appointed to prepare a plan for regulating the mode of receiving applications to Congress, brought in a report, which was read.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

THURSDAY, APRIL 17, 1777

Resolved, That General Schuyler be empowered and directed to draw warrants for the payment of the arrears due to the Pensylvania and Delaware militia, as well as to the Maryland militia, who were called into the service of the Continent during the course of last winter.[1]

[1] This report, dated April 11, is in the *Papers of the Continental Congress*, No. 136, I, folio 117.

Congress took into consideration the report of the committee on the means of introducing better discipline in in the army, and, after debate,

Ordered, That the same be re-committed, and that two members be added to the said committee.

The members chosen, Mr. [Elbridge] Gerry, and Mr. [William] Duer.

~~Resolved, That a clerk be appointed to the Committee of Secret Correspondence.~~

Resolved, That the style of the Committee of Secret Correspondence be altered, and that, for the future, it be styled the Committee for Foreign Affairs:

That a secretary be appointed to the said committee, with a salary of 70 dollars a month:

That the said secretary, previous to his entering upon his office, shall take an oath, to be administered by the president, "well and faithfully to execute the trust reposed in him, according to his best skill and judgment, and to disclose no matter, the knowledge of which shall be acquired in consequence of such his office, that he shall be directed to keep secret;" also, the oath prescribed for officers of the army, and passed the 21st day of October, 1776; and that a certificate thereof be given by the president, and lodged with the secretary of Congress.

Congress proceeded to the election of the said secretary, and, the ballots being taken,

Thomas Paine was elected.

The Committee of Treasury reported,

That there is due to Dr. William Smith, continental druggist, for sundry medicine purchased by him for public use, the sum of 2,820 30/90 dollars, and for sundry medicine supplied by him for the use of the brig *Lexington*, the sum of 131 38/90 dollars, both sums making 2,952 28/90 dollars:

That there is due to Dr. William Currie, for sundry medicine supplied the sick of the 4th and 6th Virginia regiments, the sum of 99 66/90 dollars,

That there is due to T. Batell, for the maintenance of Lieutenant Ball, a British prisoner, the sum of 24 55/90 dollars, for the payment of which a warrant should be drawn on the commissioner of the loan office for the State of Delaware:

That there should be advanced to the State of Delaware, and paid to the Hon'ble John M'Kinley, Esq. president of the said State, the sum of 1,500 dollars, for the use of a guard, ordered by Congress, to be placed at Lewistown, &c. and that the same be drawn for on the commissioner of the loan office for the said State.[1]

Ordered, That the said sums be paid accordingly.

Resolved, That 10,000 dollars be advanced to the delegates of Georgia, for the use of that State, which is to be accountable.

It being represented to Congress by the delegates of Maryland, that there is imminent danger of an insurrection in the counties of Somerset and Worcester, and that the insurgents may be joined by disaffected persons in the county of Sussex, in the state of Delaware; and, application being made by the said delegates, for a continental batallion to be placed in the county of Somerset, to overawe and quell the insurgents,

Resolved, That a committee of four be appointed to devise ways and means of suppressing the ~~disaffected persons~~ spirit of toryism in the counties of Somerset, Worcester, and Sussex, and preventing them from taking measures prejudicial to the cause of the United States.

The members chosen, Mr. [William] Duer, Mr. S[amuel] Adams, Mr. [James] Wilson, and Mr. [Benjamin] Rumsey.

[1] This report is in the *Papers of the Continental Congress*, No. 136, I, folio 119.

~~Resolved, That two members be added to the Committee of Foreign Affairs. The members chosen, Mr. Lovell, Mr. Heyward.~~

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

FRIDAY, APRIL 18, 1777

Resolved, That the sum of 2,333 30/90 dollars be paid to Goscinus Erkelins,[1] esq. or order, the same being in full of an order in his favour, drawn by Joseph Trumbull, and dated at Hartford, 21 March, 1777:

That the further sum of one thousand dollars be paid to the said Goscinus Erkelins, or order, the same being in full of an order in his favour, drawn by the said Joseph Trumbull, dated at Hartford, 21 March, 1777; and that both sums be charged to the account of the said Joseph Trumbull, Esq[r]

A petition from Thomas Moody, was read,

Ordered, That the same be referred to General Mifflin, the quarter master general.

The committee appointed to enquire into the conduct of the enemy, brought in a report which was read, as follows:

That, in every place where the enemy has been, there are heavy complaints of oppression, injury, and insult, suffered by the inhabitants, from officers, soldiers, and Americans disaffected to their country's cause. The committee found these complaints so greatly diversified, that, as it was impossible to enumerate them, so it appeared exceedingly difficult to give a distinct and comprehensive view of them, or such an account, as would not, if published, appear extremely defective, when read by the unhappy sufferers, or the country in general.

[1] Gosuinus Erkelen.

In order, however, in some degree, to answer the design of their appointment, they determined to divide the object of their enquiry into four parts: First, The wanton and oppressive devastation of the country, and destruction of property: Second, the inhuman treatment of those who were so unhappy as to become prisoners: Third, The savage butchery of many who had submitted or were incapable of resistance: Fourth, The lust and brutality of the soldiers in abusing of women.

They will, therefore, now briefly state, what they found to be the truth upon each of these heads separately, and subjoin to the whole, affidavits and other evidence to support their assertions.

1. The wanton and oppressive devastation of the country and destruction of property:

The whole tract of the British army is marked with desolation and a wanton destruction of property, particularly through West Chester county, in the state of New York; the towns of Newark, Elizabeth Town, Woodbridge, Brunswick, Kingston, Princeton and Trenton, in New Jersey. The fences destroyed, houses deserted, pulled in pieces or consumed by fire, and the general face of waste and devastation spread over a rich and once well cultivated and well inhabited country, would affect the most unfeeling with melancholy or compassion for the unhappy sufferers, and with indignation and resentment against the barbarous ravagers. It deserves notice, that though there are many instances of rage and vengeance against particular persons, yet, the destruction was very general and often undistinguished; those who submitted and took protections, and some who were known to favour them, having frequently suffered in the common ruin. Places and things, which, from their public nature and general utility, should have been spared by a civilized people, have been destroyed or plundered, or both. But, above all, places of worship, ministers and religious persons of some particular protestant denominations, seem to have been treated with the most rancorous hatred, and, at the same time, with the highest contempt.

2. The inhuman treatment of those who were so unhappy as to become prisoners:

The prisoners, instead of that humane treatment which those taken by the United States experienced, were, in general, treated with the greatest barbarity. Many of them were near four days kept without food altogether: When they received a supply, it was both insufficient in point of quantity and often of the worst kind: They suffered the

utmost distress from cold, nakedness and close confinement: Freemen and men of substance suffered all that a generous mind could suffer from the contempt and mockery of British and foreign mercenaries: Multitudes died in prison; when they were sent out, several died in the boats, while carrying ashore, or, upon the road, attempting to go home. The committee, in the course of their enquiry, learned, that sometimes the common soldiers expressed sympathy with the prisoners, and the foreigners more than the English. But, this was seldom or never the case with the officers; nor have they been able to hear of any charitable assistance given them by the inhabitants who remained in, or resorted to the city of New York; which neglect, if universal, they believe was never known to happen in any similar case in a Christian country.

3. The savage butchery of those who had submitted and were incapable of resistance:

The committee found it to be the general opinion of the people in the neighbourhood of Princeton and Trenton, that the enemy, the day before the battle of Princeton, had determined to give no quarter.—They did not, however, obtain any clear proof, that there were any general orders for that purpose; but the treatment of several particular persons at and since that time, has been of the most shocking kind, and gives too much countenance to the supposition. Officers wounded and disabled, some of them of the first rank, were barbarously mangled or put to death. A minister of the gospel in Trenton, who neither was nor had been in arms, was massacred in cold blood, though humbly supplicating for mercy.

4. The lust and brutality of the soldiers in abusing of women.

The committee had authentic information of many instances of the most indecent treatment, and actual ravishment of married and single women; but, such is the nature of that most irreparable injury, that the persons suffering it, and their relations, though perfectly innocent, look upon it as a kind of reproach to have the facts related, and their names known. They have, however, procured some affidavits, which will be published in the appendix. The originals are lodged with the secretary of Congress.

Some complaints were made to the commanding officers upon the subject, and one affidavit made before a justice of peace; but the committee could not learn that any satisfaction was ever given, or punishment inflicted, except, that one soldier, at Pennington, was kept in custody for part of a day.

On the whole, the committee are sorry to say, that the cry of barbarity and cruelty is but too well founded; and as, in conversation, those who are cool to the American cause, have nothing to oppose to the facts, but their being incredible, and not like what they are pleased to stile, the generosity and clemency of the English nation; the committee beg leave to observe, that one of the circumstances most frequently occurring in the enquiry, was, the opprobrious, disdainful names given to the Americans. These do not need any proof, as they occur so frequently in the newspapers printed under their direction, and in the intercepted letters of those who are officers, and call themselves gentlemen. It is easy, therefore, to see what must be the conduct of a soldiery, greedy of prey, towards a people, whom they have been taught to look upon, not as freemen defending their rights on principle, but as desperadoes and profligates, who have risen up against law and order in general, and wish the subversion of society itself. This is the most candid and charitable manner in which the committee can account for the melancholy truths which they have been obliged to report. Indeed, the same deluding principle seems to govern persons and bodies of the highest rank in Britain. For, it is worthy of notice, that not pamphleteers only, but king and parliament constantly call those acts lenity, which, on their first publication, filled this whole Continent with resentment and horror.

Resolved, That the said report be accepted; and

Ordered, That the committee who brought in the report, publish the same with the affidavits.

Resolved, That a member be added to the committee on the commissary's department, and that they be directed to confer with General Schuyler on the subject:

The member chosen, Mr. [Daniel] Roberdeau.

Resolved, That Mr. Jos. Trumbull be directed to repair, with all despatch, to Philadelphia, ~~to confer with the said committee on the~~

At the request of General Schuyler,

Resolved, That a committee be appointed to enquire into the conduct of Major General Schuyler, since he has held a command in the army of the United States.

That the said committee consist of a member from each state:

The members chosen, Mr. [Matthew] Thornton, Mr. [James] Lovell, Mr. [William] Ellery, Mr. [Oliver] Wolcott, Mr. [William] Duer, Mr. [Jonathan] Elmer, Mr. [George] Clymer, Mr. [James] Sykes, Mr. W[illiam] Smith, Mr. [Mann] Page, Mr. [Thomas] Burke, Mr. [Thomas] Heyward, and Mr. [Nathan] Brownson.

Resolved, That Major General St. Clair have leave of absence from the army for two weeks, to visit his family.

The Board of War brought in a report, which was taken into consideration; Whereupon,

Resolved, That an order for 5,000 dollars be sent to the treasurer at Baltimore, in favour of Robert Cummings, commissary of provisions there, to purchase provisions for the troops; and that he be desired to buy as much fresh provisions as he thinks prudent, considering the present prices; and that Congress approve of his laying in a quantity of barrelled shad fish, sufficient for the troops passing through that town.

Resolved, That General Armstrong be requested to inspect into the state of the magazines of provisions under the care of Commissary Wharton, and make report to Congress of their kind, quantity, and condition: and that General Armstrong be authorized to call on Mr. Wharton for every information necessary to enable him to perform this duty, and, if the said magazines should be found in a perishing or neglected state, that he take proper steps for their regulation; and the said commissary and his deputies are hereby ordered to pay due obedience to his directions.[1]

Resolved, That a committee of five be appointed to devise ways and means of supplying the army with fresh beef, on the most reasonable terms.

[1] This report, dated April 17, is in the *Papers of the Continental Congress*, No. 147, I, folio 143.

The members chosen, Mr. [Thomas] Burke, Mr. [Roger] Sherman, Mr. L[ewis] Morris, Mr. R[ichard] H[enry] Lee, and Mr. [Benjamin] Rumsey.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

SATURDAY, APRIL 19, 1777

Resolved, That the resignation of John Trumbull, late deputy adjutant general of the northern department, be accepted:

That General Gates be empowered to appoint a deputy adjutant general for the northern department.

Resolved, That three persons be appointed as a board of assistants to the Marine Committee, with a salary of 1,500 dollars per annum each, to reside at or in the neighbourhood of Boston, in the state of Massachusetts bay, with power to adjourn to any part of New England; who shall have the superintendance of all naval and marine affairs of these United States, within the four eastern states, under the direction of the Marine Committee.

That the appointment of the said commissioners be made on Tuesday next.

A letter of the 27 of March, from the commissioners for settling accounts in the northern department, to the Board of Treasury, was laid before Congress, and read:

Ordered, That the same be referred to the committee appointed to devise regulations for the commissary's department.

Resolved, That three more members be added to the said committee, and that the committee be directed to confer with Mr. Trumbull on his arrival.

The members chosen, Mr.[James] Duane, Mr. W[illiam] Smith, and Mr. [Elbridge] Gerry.

Ordered, That a copy of such parts of the above letter as relates to draughts made on the pay master for stock, &c. taken by officers, and such other parts as relate to irregular draughts made, be sent by the Board of Treasury to General Gates.

The committee appointed to enquire into the mode heretofore observed by officers in making up their pay rolls, and to prepare a resolution for preventing any abuses therein, brought in a report, which was read:

The Committee appointed to inquire into the mode heretofore observed by officers in making up their payrolls and to prepare a resolution for preventing any abuses therein.

That it is represented to your Committee that Abstracts heretofore made of the Companies in the Continental Battalions have truly stated the time of Service of every Officer and Soldier; but where any Soldier died or deserted in the Interval between the monthly pay days, the pay due to all such Soldiers remained in the Hands of the paying Officer unless any representative claimed in right of such as died.

That when any Soldier died indebted to the paying Officer, it was usual to let the name of such Soldier remain on the pay List until a sufficiency accrued to satisfy the Debt.

The Soldiers have been enlisted on New Establishments before the time of Service on former Enlistments has been Completed, and that double pay has been drawn from the Treasury for the portion of the former time of service which was unexpired at the time of the last enlistment.

That Officers who are in advance to their Soldiers must lose such advance, because by the present Establishment they cannot stop the same from the soldiers, their pay being paid by a Regimental paymaster.

Whereupon your Committee beg leave to recommend the following resolutions.

Resolved, That all pay and other allowance due to any deceased officer or soldier of the Continental army shall be paid into the Treasury, in order that the same may be safely kept to be accounted for to the lawful Representatives of such Officers and Soldiers.

That when any officer or soldier shall desert, all pay and other allowances due to such officer or soldier at the time of desertion, shall

be deemed forfeited to the United States, and the same shall be paid into the Treasury by the Paymaster.

That there is no Just foundation for the Practice of leaving the pay due to dead men and deserters in the Hands of the paying Officers; but that the same ought to have been paid into the Treasury. The pay due to dead men to be for the use of the Representatives, and that due to Deserters for the use of the United States. Therefore that the several Paymasters be directed to procure from the Several Battalions exact lists of all persons who have died or deserted, with the amount of pay and other allowances due to each, and the Names and Rank of the respective paying officers.

That there is no Just foundation for the practice of letting the pay of deceased soldiers run on until officers to whom they were Indebted are Indemnified. Therefore that all moneys received by any officer in consequence thereof ought to be refunded, to Effect which the Paymasters ought to procure exact accounts of the time when the several deceased Soldiers of the Continental Battalions died, in order that by comparing the same with the abstracts the sums of money drawn after their decease may be known and the officers made accountable for the same.

That all double pay drawn for men who enlisted on a New Establishment before the time of service of a former Inlistment was expired ought to be refunded. To effect which the abstracts ought to be carefully compared by the Paymaster General, or Deputy Paymaster General, and a particular report made on the premises to the Treasury, in order that the paying officers may be made accountable.

That the officers who have heretofore paid the companies be permitted to pay them, until the end of the month which began before the Establishment of Regimental Paymasters commenced.

All which is humbly submitted.[1]

Ordered, To lie on the table.

A remonstrance of Joseph Hugg and Israel Morris, Jun[r] was read.[2]

Resolved, That General Washington be directed to take effectual measures for removing all provisions, cattle,

[1] This report, in the writing of Thomas Burke, is in the *Papers of the Continental Congress*, No. 21, folio 131.—1. It is endorsed as having been read on April 21, as well as on April 19.

[2] This remonstrance is in the *Papers of the Continental Congress*, No. 43, folio 123.

carriages, and forage, which he may think in danger of falling into the hands of the enemy, particularly in the parts of the country through which their route may lie, should they attempt to march; and that he give directions to all officers employed on this duty, to be careful not to deprive the inhabitants of what may be necessary for their immediate subsistence; and to cause all provisions, cattle, carriages, and forage, removed, to be appraised to a just valuation, that the owners may be paid for the same.

The Board of War brought in a report, which was taken into consideration; Whereupon,

Resolved, That the Rev. Mr. Henry Miller be, and he is hereby appointed chaplain to the German batallion.[1]

The Marine Committee having recommended John Rathburn to be captain of the armed sloop *Providence*,

Resolved, That he be appointed accordingly.

Resolved, That an order for 200,000 dollars be drawn on the commissioner of the loan office for the State of New York, in favour of Jonathan Trumbull, Junr deputy pay master general, for the use of the army in the northern department; the said deputy pay master general to be accountable.

The committee appointed to devise ways and means for suppressing the ~~dangerous~~ spirit of toryism in the counties of Somerset, Worcester [Maryland] and Sussex [Delaware] and preventing the disaffected persons therein from taking measures prejudicial to the cause of the United States, brought in their report, which was taken into consideration; Whereupon,

That the Counties above mentioned consist at least betwixt four and five thousand Men, two thirds of whom are highly disaffected to the Measures pursued by the United States for the Establishment of their Freedom and Independance.

[1] This report is in the *Papers of the Continental Congress*, No. 147, I, folio 145.

That from the assiduous Arts of Persons of Influence amongst the Malignants, and from ~~the Want of Spirited and decided Measures~~ an ill judged Lenity in the States of Delaware and Maryland the dangerous Spirit of Toryism has acquired Strength, and at several Times has broke out into open Acts of Treason against the Liberties of the United States. That from the Maratime Situation of these Counties, an easy Access is open to the Enemies Armed Vessels, and that the notorious Disaffection of the Inhabitants will naturally invite the Enemy to land Part of their Force in those Counties, where they probably would be joined by a considerable Body of Insurgents who only wait an Opportunity to fall upon the defenceless Sons of Freedom in that Quarter, and to perpetrate those Acts of Cruelty and Devastation which have hitherto been consequent to such Insurrections.

That a timely Attention to prevent these Evils is not only necessary from these Considerations, but likewise from the ill Consequences which may accrue to the General Cause, should such an Insurrection break out at the Time when the Enemy with the main Body of the Army may be bending their Force against the City of Philadelphia.

To avert these impending Evils the Committee beg leave to submit to the consideration of Congress the following Resolutions.

Resolved, That it be earnestly recommended to the legislative or executive authorities of the states of Delaware and Maryland, forthwith to apprehend and remove all persons of influence, or of desperate characters, within the counties of Sussex, Somerset, and Worcester, who have betrayed or manifested a disaffection to the American cause, to some remote or secure place or places within their respective States; there to be secured without any person having access to them, unless by license first obtained from such civil or military officer as the government of the respective States shall think proper to appoint for that purpose: to take away the fire-arms of all such of the inhabitants of the counties above-mentioned, as have not hitherto manifested an attachment to the cause of America, excepting such in the counties of Worcester and Somerset, in the state of Maryland, as may have complied with the proclamation issued by the said State,

in the month of February last, the said arms to be disposed of by the respective States as shall be deemed most conducive to the general weal: to enact laws appointing commissioners in each of the counties above-mentioned, whose business it shall be to make inventories, and to take charge of the personal estates of the persons so removed, and to receive the rents arising from their real estates, in order that the same may be appropriated as a fund for their maintenance, till the government of the respective States shall otherwise direct; and vesting the said commissioners with full and adequate powers to enquire into, detect, and defeat, all plots or conspiracies formed in the respective counties against the liberties of America.

And, for facilitating the expeditious execution of the above resolutions,

Resolved, That the governor of the State of Maryland be authorized to detain the weakest continental batallion raised in the state of Maryland, till further order of Congress; and that it be recommended to the executive authority of the state of Maryland, forthwith, to embody three hundred of the militia of the said State, and to the executive authority of the State of Delaware, one hundred of their militia, the said militia to co-operate with the batallion of the continental troops, to obey the orders of the officer commanding the same, and to continue in service so long as the joint executive authorities of the States of Delaware and Maryland shall think necessary.[1]

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock on Monday.

[1] This report, in the writing of William Duer, is in the *Papers of the Continental Congress*, No. 20, II, folio 201.

MONDAY, APRIL 21, 1777

A letter of the 18 and 19, from General Washington;

One, of the 19th, from the Pensylvania board of war; and a note from Dr. G. Clarkson, in behalf of Colonel Zedwitz, were laid before Congress and read:[1]

Ordered, That the letter from General Washington be referred to the Board of War; that from the Pensylvania board of war to the Board of Treasury; and that from Dr. Clarkson to the Medical Committee.

Resolved, That James Mease, ||clothier general,|| be directed to deliver to General Mifflin, quarter master general, or his order, all the cloth in his hands, fit for tents.

Congress agreeable to the order of the day, proceeded to consideration of the report from the committee of the whole house on the Articles of Confederation; and, after debate,

Resolved, That the farther consideration be postponed to Friday next.

Resolved, That Michael Hillegas, Esqr. ||treasurer||, be authorized and directed to appoint and qualify such a number of additional signers of money as he shall judge necessary, and send to Congress a certificate of such appointment and qualification; and that the said signers proceed on the business aforesaid until discharged by Congress.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

[1] The letter from Washington is in the *Papers of the Continental Congress*, No. 152, IV, folio 83. It is printed in *Writings of Washington* (Ford), V, 330.

TUESDAY, APRIL 22, 1777

A letter, of the 21, from General Washington;

One, of the 5, from Colonel George Morgan, at Fort Pitt, with sundry papers enclosed;

One, of the 2, from Major Malmedy, at Providence;

One, of the 14, from Governor Trumbull;

And a memorial from Elisha Painter, were read:[1]

Ordered, That the letter from Colonel Morgan be referred to the standing committee on Indian affairs; the letter from Major Malmedy to the committee on applications from foreigners; the letter from Governor Trumbull to the committee on foreign affairs, and the memorial from Elisha Painter to the Board of War.

The Board of War brought in a report, which was taken into consideration: Whereupon,

Resolved, That a Corps of Invalids be formed consisting of eight Companies, each Company to have one Captain, two Lieutenants, two Ensigns, five Serjeants, six Corporals, two Drummers, two fifers and one hundred Men. This Corps to be employed, in Garrisons and for Guards, in Cities and other Places, where Magazines or Arsenals are placed; as also to serve as a Military School for Young Gentlemen, previous to their being appointed to marching Regiments, for which purpose, all the Subaltern Officers, when off Duty, shall be obliged to attend a Mathematical School, appointed for the purpose to learn Geometry, Arithmetick, vulgar and decimal Fractions and the extraction of Roots. And that the Officers of this Corps, shall be obliged to contribute, one day's pay in every Month, and Stoppages shall be made of it accordingly, for the purpose of purchasing a Regimental Library of the most approved Authors on Tacticks and the Petite Guere.

That some Officers from this Corps be constantly employed in the Recruiting Service, in the Neighbourhood of the places, they shall be stationed in, that all Recruits so made, shall be brought into the Corps.

[1] This letter of Washington is in the *Papers of the Continental Congress*, No. 152, IV, folo 91. That of Malmedy is in No. 78, XV, folio 171; that of Trumbull in No. 66, I, folio 321, and that of Painter in No. 41, VIII, folio 13.

and drilled and afterwards draughted into other Regiments as occasion shall require.[1]

That the Secret Committee be directed to transmit, from time to time, to such Officers and Soldiers as are, or shall be, Prisoners of War in the Hands of the Enemy, Bills of Exchange, not exceeding the amount of their Pay, for their support during their Captivity.[2]

Resolved, That General Schuyler be directed immediately, to send forward, all the troops now at Bristol, with orders to join General Washington with all expedition; [and that General Schuyler immediately order all the troops now in Philadelphia, and which may hereafter arrive, with the utmost despatch to Bristol, there to wait farther orders.][3]

That the Secret Committee be directed to transmit, from time to time, to General Washington, bills of exchange, or specie, for the support of prisoners of war in the hands of the enemy, according to their ranks and pay in the continental service; and that the General be desired to appoint a commissary of prisoners, for the purpose of applying the money obtained by the bills and the specie transmitted, to the purposes aforesaid; and that the said commissary be ordered to take care, that the prisoners of war be provided with proper provisions and cloathing.[4]

Inform General Washington that Surgeons Mates are appointed and their Pay fixed. Pay and Rations of Regimental Surgeons and Mates same as second surgeons in the Hospital.[5]

Resolved, That the farther consideration of the report be postponed.

Resolved, That the director and deputy directors general, shall constantly publish in the news-papers, the

[1] See under June 20, 1777, *post*.

[2] This paragraph was stricken out, and the substitute printed below inserted.

[3] The words in brackets are in the writing of Richard Peters.

[4] This paragraph is in the writing of Richard Henry Lee.

[5] This report is in the *Papers of the Continental Congress*, No. 147, I, folio 147.

names of the places in which their military hospitals are respectively kept; and the several commanding officers of parties, detachments, or corps, on their march to or from the camp, shall send to the said hospitals, such of their officers and soldiers, as, from time to time, are unable to proceed, together with certificates to the director or deputy director general, mentioning the names of the said officers and soldiers and particular regiments to which they belong; unless, from the distance of the hospitals, or other causes, it shall at any time be necessary to deliver them to the care of private physicians or surgeons, in which cases, such physicians and surgeons, and also the respective commanding officers, are forthwith to report their names and regiments to the director or deputy directors general as aforesaid, who shall give the necessary orders for removing them to the hospitals as soon as may be, and discharge the reasonable demands of the physicians and surgeons conducting agreeable to this resolve.

That the director, deputy directors general and assistant deputy directors, have power to order to their respective hospitals, the sick and wounded of the army, wherever found, in their own or other departments, provided such other departments are not supplied with any of the officers aforesaid.

A memorial from Robert Long was read, requesting that permission may be granted to the memorialist to go to New York, to render to Mr. [Daniel] Chamier an account of his affairs:[1]

Ordered, That the said memorial be dismissed.

Resolved, That an order be drawn on the treasurer at Baltimore, in favour of James Mease, cloathier general,

[1] This memorial is in the *Papers of the Continental Congress*, No. 41, V, folio 171. It is accompanied by a certificate signed James Calhoun, chairman of the committee of Baltimore, Md., dated "In Committee, January 20, 1777."

for the sum of 12,000 dollars, to discharge a bill of exchange drawn at Boston, March 1, 1777, by Abraham Livingston and William Turnbull, on Robert Morris, Esqr in favour of Mr. Stephen Hooper, or order.

Resolved, That Governor Trumbull be informed, that Congress have received undoubted information that William Franklin, late governor of the state of New Jersey, and now a prisoner in Connecticut, has, since his removal to that state, sedulously employed himself in dispersing amongst the inhabitants the protections of Lord Howe and General Howe, stiled the king's commissioners for granting pardons, &c. and otherwise aided and abetted the enemies of the United States: And, that he be requested forthwith to order the said William Franklin, Esqr into close confinement, prohibiting to him the use of pen, ink, and paper, or the access of any person or persons, but such as are properly licensed for that purpose by Governor Trumbull.

A memorial from Colonel Haller and Lieutenant Colonel Lutz was read, praying that they may be paid for retained rations.

Ordered, That the same be referred to the Board of War.

Resolved, That a member be added to the committee for suppressing toryism.

The member chosen, Mr. [William] Duer.

Resolved, That it be recommended to the several States, to order their statute laws, and the additions that may be made thereto, to be sent to Congress, and to each of the States, together with all discoveries and improvements in the arts of war made in such States respectively.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, APRIL 23, 1777

Resolved, That the sum of six hundred and eighty dollars be paid to the captain, officers and privates, of the brigantine *Andrew Doria*, the same being in full of the bounty granted for ten carriage guns mounted, and sixty men, on board of the armed sloop *Racehorse*, at the time of her capture by the said brigantine *Andrew Doria*, as certified by the register of the court of admiralty for the state of Pensylvania.

The Board of War brought in a report, which was taken into consideration; Whereupon,

Resolved, That Dr. James Tilton be authorized to repair to Dumfries, in Virginia, there to take the charge of all continental soldiers that are or shall be inoculated, and that he be furnished with all necessary medicines: that the commanding officers in that department be directed to afford every assistance in their power, and that all commissaries and quarter masters on whom the doctor shall have occasion to call, be directed to provide quarters and every thing requisite for this business.

Resolved, That the Board of War be empowered and directed to sell to the delegate of North Carolina, [Thomas Burke], 200 gun-locks.

A petition from Lawrence Powell, was read:

Ordered, That it be referred to the Board of War.

The committee, to whom was re-committed the report on the quarter master's department, brought in a ||new|| report, which was read.[1]

Joseph Trumbull, commissary general, being arrived at Philadelphia,

Ordered, That the committee on the commissary's department, and the committee ||appointed to devise means||

[1] Printed under May 14, 1777, *post*.

for supplying the army with fresh beef, be consolidated: and that Mr. Trumbull ||be directed to|| confer with the said committee.

The Committee appointed to confer with the Commissary General beg leave to report,

That your Committee are informed by Mr Commissary there are now at the Head of Elk 3,000 barrels of salted fish and 300 barrels of salted meat, and that he expects from Virginia at the same place 300,000 wt of Bacon and 1,000 bbls. of Pork.

That at Lancaster and on the route here are near 1,500 bbls. of Salted meat.

That these provisions are daily arriving from the above places to this City, from whence they are transporting by water to Trenton with all possible dispatch, and from Trenton teams are provided to forward them to the army as fast as they reach that place.

That at Carlisle are 1,500 bbls. of salted meat, which the most effectual means possible shall be immediately taken to forward to camp.

That Mr Commissary is of opinion, the army is at present supplied with three days provisions of fresh meat out of seven, and that this latter supply will be encreased in a short time.

That measures have been taken to bring on provisions from the eastward where 15,000 bbls. of salted meat are laid up in Connecticut, and 15,000 in Massachusetts Bay exclusive of a full supply for the Northern Army.

That Mr Commissary is not under apprehension of flour being Wanted, unless the army should go into N. England.

That upon the whole of these facts Mr Commissary thinks there is no danger of the army suffering for want of provisions, unless it should happen within 48 hours from this time; which it is not probable will be the case, as 80 bbls. of salt meat were sent on Monday last from hence by land and 200 bbls. of salted meat have been forwarded by water yesterday and this day, and that an equal quantity hath been ordered from Eastown, so as to be by this time with the army.

That the reason of the present appearance of an immediate want of provisions for the army has arisen from the Stores laid up at Lebanon being removed to Carlisle, and those in this City to Lancaster, as it

is said by order of Congress, and that in making this removal, it was omitted to regard the present supply of the army by leaving a sufficient quantity for that purpose.

That Mr. Commissary proposes to repair to Head Quarters without delay.[1]

Resolved, That a committee of ~~five~~ six be appointed to consider ways and means of speedily reinforcing General Washington's army.

The members chosen, Mr. [William] Duer, Mr. S[amuel] Adams, Mr. [James] Wilson, Mr. J[onathan] B[ayard] Smith, Mr. R[ichard] H[enry] Lee, and Mr. [Roger] Sherman.

Ordered, That the committee confer with General Schuyler and General Mifflin on the subject.

The Board of Treasury reported, that there is due,

To Edward Snicker, and to be paid to Colonel Daniel Morgan, the sum of £276 2 6, for sundry arms, blankets, provisions, &c. furnished by him for the use of the said Morgan's regiment, and for an allowance made him for his trouble and expence of purchasing the said arms, &c. and for those purchased as per a former account, amounting to £482 8, the sum of £37 18 6, which two sums amount to £314 1, Virginia currency, equal to 1,046 75/90 dollars:

That there should be paid to Captain Nathaniel Ramsey, for sundry cloathing he purchased for the use of his company in the first Maryland batallion, which were taken by the enemy, as is set forth in his memorial to Congress, the sum of £43 5 0 equal to 115 30/90 dollars:

That there is due to John Carswell, late a soldier in the deceased Captain Hendrick's company, who was taken

[1] This report is in the *Papers of the Continental Congress*, No. 29, folio 69. The first three lines are in the writing of Richard Henry Lee, and the rest of the report in that of Jonathan Bayard Smith. It is endorsed as "passed."

prisoner at Quebec, for his pay from the 1 January, 1776, to the 22 April, 1777, the sum of 94 73/90 dollars.

That there should be paid to Henry Shitz, for 46 reams of paper for continental bills of credit, the sum of 444 dollars:

That there should be paid to the honble. Francis Lewis, Esqr for sundry goods purchased for cloathing the army out of the prize schooner *Hannah*, and put into the hands of Samuel and Robert Purviance, at Baltimore, the sum of £2,755 0 2 equal to 7,346 62/90 dollars; the said Samuel and Robert Purviance to be accountable:

That there should be advanced to Colonel Daniel Morgan, of the 11 Virginia regiment, for the bounty of a volunteer company inlisted to the said regiment, the sum of 1,800 dollars; he to be accountable:

That the Rev. Mr. John Nevelling officiated as chaplain to nine New Jersey batallions for one month and six days, at 50 dollars per month, amounting to 59 77/90 dollars; of which he received of the pay master 33 30/90 dollars, and that a balance of 26 47/90 should be paid him.[1]

Ordered, That the said accounts be paid.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

THURSDAY, APRIL 24, 1777

A letter, of the 2 April, from J. Allen, at Boston, Indian agent in the eastern department;

One, of the 26 December, 1776, from James Lyon, at Machias;

[1] This report is in the *Papers of the Continental Congress*, No. 136, I, folio 121.

A letter, of the 18 of April, from the convention of New York, with sundry papers enclosed, were read.[1]

Ordered, That the said letters be referred to the Board of War, who are directed to confer with the person who brought the two former.

A letter, of the 23, from General Washington, with sundry papers enclosed, was received and read.[2]

The committee appointed to consider of ways and means of speedily reinforcing General Washington's army, brought in a report, which was taken into consideration: Whereupon,

Resolved, That it be earnestly recommended to the president of the supreme executive council, and the board of war of Pensylvania, to call out three thousand of the militia of the said State, exclusive of the city militia; one half of the said troops to rendezvous at Chester on the Delaware, and the other half at Bristol: And to order the city militia to equip themselves with arms and accoutrements, and to hold themselves in readiness at a moment's warning; and that the said president and board of war take measures to furnish the said troops with a proper train of artillery.[3]

Resolved, That the president write to General Washington, and inform him, it will be agreeable to Congress, that he order General Mifflin to continue in Philadelphia for some time; provided the public service will admit of his absence from the army.

Resolved, That the officers of the seventh Pensylvania batallion be referred to the Board of Treasury for the

[1] The letter of John Allan is in the *Papers of the Continental Congress*, No. 78, I, folio 73; that of the New York convention is in No. 67, II, folio 43.

[2] This letter is in the *Papers of the Continental Congress*, No. 152, IV, folio 95.

[3] This report, in the writing of William Duer, is in the *Papers of the Continental Congress*, No. 21, folio 119. Besides the committee were present Biddle, Bache, Deane, and Rittenhouse, of the Pennsylvania Board of War.

liquidation of their accounts, and settlement of the money due to the said batallion for the last campaign, and that the said Board report thereon.

That all the accounts of the Pensylvania, Delaware, and Maryland militia yet unsettled, be referred to the Board of Treasury for liquidation, and that the reports thereon, be transmitted to General Schuyler, ||who is now the commanding officer in Philadelphia,|| in order that he may draw warrants for paying the arrears due to them, agreeable to the resolve of the 17 instant.

Ordered, That the account of William Graham, a surgeon's mate of the second Virginia regiment, be referred to General Schuyler, who is directed to draw a warrant for two months' pay.

An appeal from the judgment of the court of admiralty for the state of Maryland, at Baltimore, in the libel sloop *Montgomery*, *vs.* brig *Minerva*, was lodged with the secretary, and referred to the standing committee on appeals.

An appeal from the judgment of the court of Admiralty for the state of Rhode Island and Providence Plantations, on the libel Mary Alsop *et al. vs.* Thomas Ruttenburgh, being lodged the 6th of March last, is also referred to the standing committee on appeals.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

FRIDAY, APRIL 25, 1777

A petition of Robert Forster, of the County of Cumberland, in Nova Scotia, with sundry papers enclosed, was read.[1]

[1] A petition of Robert Foster, of the County of Cumberland, Nova Scotia, is in the *Papers of the Continental Congress*, No. 42, III, folio 17. It was read April 25, and referred to the Board of War.

Ordered, That the same be referred to the Board of War.

Resolved, That one thousand six hundred and sixty six dollars and sixty ninetieths of a dollar be paid to Sampson Mears, or order, the same being in full of a bill drawn by William Aylett, Virginia, April 9, 1777, in favour of Mr. Isaac Vanbibber, of Baltimore, and endorsed by the said Isaac Vanbibber, and the payment ordered to the said Sampson Mears, or order, by Vanbibber & Crocket; and that the said sum be charged to the account of the said William Aylett.

The Board of War reported,

That having enquired into the case of Major Elisha Painter, it appeared by the evidence produced, that the objections made against his appointment to the office of major in Colonel Seth Warner's regiment, and the complaint of uneasiness occasioned thereby, are without any just foundation, and that nothing is alleged, or appears to have been done by him, to forfeit his right to the said office; and this Board knows of no such office vacant in any other regiment, to which he can be appointed by Congress: Whereupon,

Resolved, That the resolution of the 18 January last, removing the said Elisha Painter from any command in the said Colonel Seth Warner's regiment, be repealed; and that he return to his command in the said regiment as major thereof, unless General Washington shall think proper to appoint him to some other office or employment in the army not inferior to his present rank.[1]

The Committee of Treasury brought in a report, which was taken into consideration: Whereupon,

Whereas Major General Schuyler, Commanding Officer at this Post has represented that it is impracticable for him to attend the Examination of the Payrolls of the Troops in the Service of the United States, therefore

[1]This report is in the *Papers of the Continental Congress*, No. 147, 1, folio 151.

Resolved, that all Payrolls of the Militia which shall be tendered to Congress or the Board of Treasury for Payment be referred for Examination and adjustment to the Commissioners of Claims, and reports thereupon shall be made to the Treasury Board who approving thereof shall issue their Warrants for the Discharge of the same on the Paymaster appointed for that purpose.

And all resolutions heretofore passed which are repugnant to this mode of settlement and payment be repealed.[1]

Resolved, That 50,000[2] of the three hundred thousand dollars, ordered to be advanced to General Mifflin, on the 22 March last, be paid by a warrant on the loan office in Connecticut.

That 100,000 dollars be advanced to Joseph Trumbull, Esq[r] commissary general, he to be accountable; and that a warrant be drawn on the commissioner of the loan office for the State of Pensylvania for the sum of 35,000 dollars, in part of the above sum.[3]

Resolved, That the farther consideration of the report be postponed.

The committee appointed to devise ways and means for speedily reinforcing General Washington's army, brought in a farther report, which was taken into consideration: Whereupon,

Resolved, That the president and council of the State of Delaware be requested forthwith to call out one thousand five hundred of the militia of the said State, well armed and accoutred, to rendezvous at Chester on Delaware.

That a committee of three be appointed to confer with the president and council, to enforce the necessity of this measure, and that General Mifflin be requested to join the said committee for the purpose aforesaid.

[1] This paragraph is in the writing of Charles Thomson.

[2] Originally 35,000 dollars.

[3] In the margin Hancock has written "65,000 drawn on Mr. Gibson." This report is in the *Papers of the Continental Congress*, No. 136, I, folio 123. The last two paragraphs are in the writing of Elbridge Gerry.

The members chosen, Mr. [George] Read, Mr. [Daniel] Roberdeau, and Mr. [Jonathan Dickinson] Sergeant.

Resolved, That the governor of the State of New Jersey be requested forthwith to call out such part of the militia of the said State, as General Washington shall judge necessary to reinforce the army under his command.

Resolved, That the physician or surgeon general of the hospital in the middle department, be directed to send a proper person or persons in the medical department, to visit all the hospitals betwixt this city and the town of Annapolis, in Maryland, with directions, to order all such soldiers, as shall be deemed capable of service, to join immediately their respective corps under proper officers.

Resolved, That Major General Schuyler be directed to order all the troops in or near the city of Philadelphia, and betwixt the said city and the town of Annapolis, to march immediately to Bristol, by such routes as shall render it unnecessary to pass through the city of Philadelphia; that he send active officers to forward the said troops without delay, and that he order proper returns to be made of the quantity of arms and cloathing wanting for the respective corps or detachments, in order that a supply of the same may be forwarded by the cloathier general to the town of Bristol.

Resolved, That General Washington be requested to send a general officer into the eastern states, to forward on all the troops already raised to their respective places of destination, with the utmost despatch.[1]

Agreeable to the order of the day, Congress resumed the consideration of the report of the committee of the Whole on the articles of Confederation; and, after debate,

Resolved, That the farther consideration thereof be postponed to Monday next.

[1] This report, in the writing of William Duer, is in the *Papers of the Continental Congress*, No. 21, I, folio 17. The names of the committee were inserted by Charles Thomson.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

SATURDAY, APRIL 26, 1777

A letter, of the 25, from Governor ||president|| M'Kinley, of Delaware;

Two, of the 21, from Governor Johnson, of Maryland;

One, of the 23, from ditto, were read:[1]

Ordered, That the said letters, with the papers enclosed, be referred to the Board of War.

Resolved, That 100,000 dollars be advanced to the State of Maryland, the said State to be accountable; and that the same be paid by an order for 25,000 dollars, on the commissioner of the loan office of the State of Maryland, and by an order on the treasurer at Baltimore, for the remaining 75,000 dollars.

Resolved, That £259 6 8, equal to 691 50/90 dollars be paid to Thomas Lawrence, being so much paid by him to the wives of the carpenters employed in the service of the United States, at Fort Pitt, and that the same be charged to the account of Colonel George Morgan.

Resolved, That 500 dollars be advanced to Captain Joseph Mitchell, for the use of the 12 Virginia batallion, and that the same be charged to the account of James Wood, colonel of the said regiment.

Ordered, That the committee on the commissary's department proceed on that business, and report on Monday next.

The committee of treasury reported,

That there is due to John Biddle, for the weekly allowance paid to several officers, &c. prisoners of war, and for

[1] The letter of President McKinley is in the *Papers of the Continental Congress*, No. 70, folio 597. Three of Governor Johnson are in No. 70, folios 167, 177, and 183.

sundry provisions furnished women and children, prisoners at Reading, at the rate of ten pence per ration, 955 52/90 dollars:

That there is due to Henry Haller, for the weekly allowance of Captain Anstruther, from 23 August to 24 November, being 11 weeks and four days, the sum of 23 12/90 dollars:

That there is due to Thomas Polhoos, and to be paid to Mr. Wiltner, for bleeding 95 privates of Colonel Hausegger's batallion, the sum of 12 60/90 dollars:

That there is due to Joseph Simons, for provisions issued to women and children, prisoners; and for provisions issued to prisoners at Easton, who were unable to move with the others that were exchanged, the sum of 126 69/90 dollars:

That there is due to Mark Wilcox, for paper for loan office certificates, and two reams of paper for the use of the Treasury Board, 876 73/90 dollars:

That there is due to Captain Benjamin Deane, for his expences while escorting money to the White Plains, and on his return, including waggon and horse hire, 175 30/90 dollars:

That there is due to Joseph Cowperthwaite, for sundry casks for powder, and for cooperage, porterage, &c. the sum of 297 66/90 dollars:

That there is due to Levi Hollingsworth, for freight and cartage of 503 casks powder, and one case gun locks, from Baltimore to Philadelphia, and for porterage to the magazine, the sum of 437 6/90 dollars:

That there is due to Bright & Pechin, for storage and weighing sundry parcels of saltpetre, the sum of 76 75/90 dollars:

That there is due to Elizabeth Kuntz, for attendance and provisions to six men, belonging to General Lee's

guard, who were under inoculation, and for boarding six other men, the sum of 89 81/90 dollars:[1]

That there should be paid to James Young, for 51 rifle and smooth-bore guns, 22 of which was delivered to Robert Towers and Samuel Appleton, 7 lost, and 22 delivered at Fort Washington, the sum of 571 25/90 dollars:[2]

That there should be advanced to Colonel Daniel Morgan, for the bounty of 92 men, which he says he enlisted for Captain Charles Porterfield's company in his regiment, at 20 dollars each and for the enlisting at 1 1/3 dollars each man amounts to 1,962 60/90; for the expence of a man and horse from Winchester to this place and returning, with money borrowed by him to pay the inlisting money, 30; [total] 1,992 60/90. From which is to be deducted the advance made to him 1,800, the balance is 192 60/90 dollars.

That there should be advanced him a further sum to pay his troops in this city, and for all of which sums he is to account with the pay master, 2,727 76/90.

The whole amounting to 2,920 46/90 dollars.

Ordered, That the said accounts be paid.

A letter, of the 13, from William Aylett, was read:[3]

Ordered, That it be referred to the committee appointed to enquire into the conduct of Mr. Carpenter Wharton, and to regulate the commissary's department.

A letter, of the 12, from Colonel G. Morgan, at Fort Pitt, was read.[4]

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock on Monday next.

[1] This report is in the *Papers of the Continental Congress*, No. 136, I, folio 129.
[2] This report is in the *Papers of the Continental Congress*, No. 136, I, folio 135.
[3] This letter is in the *Papers of the Continental Congress*, No. 78, I, folio 73.
[4] This letter is in the *Papers of the Continental Congress*, No. 163, folio 253.

MONDAY, APRIL 28, 1777

A letter, of the 22d, from General Gates, at Albany, with sundry papers enclosed;

A letter, of the 23, from Henry Fisher, at Lewis, were read:[1]

Whereas Henry Fisher has, agreeable to the power vested in him by Congress, appointed William Peery, captain; John Wesley, first lieutenant; David Hazard, second lieutenant; and John Hazard, ensign, of the company ordered to be raised for the defence of Lewistown,

Resolved, That they be confirmed.

Resolved, That this Congress resolve itself into a committee of the Whole, to take into consideration the letter from General Gates, with the papers enclosed, and that General Schuyler lay before the committee, the correspondence between him and General Washington, respecting the defence of Ticonderoga.

Congress thereupon resolved itself into a committee of the whole, and after some time, the president resumed the chair, and Mr. F[rancis] L[ightfoot] Lee reported, that the committee have had under consideration the letter and papers to them referred, ~~and have come to sundry resolutions, which he was ordered to report~~ but not having come to a conclusion, desire leave to sit again.

Resolved, That this Congress will, to morrow, resolve itself into a committee of the whole, to take into consideration the letter from General Gates, ||and the papers referred to them.||

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

[1]The letter of Gates is in the *Papers of the Continental Congress*, No. 154, 1, folio 161.

TUESDAY, APRIL 29, 1777

A letter of the 18, from William Aylett, commissary in Virginia, was read.[1]

Ordered, That the said letter be referred to the committee on the commissary's department; and that a copy of the said letter, so far as it relates to procuring provisions for the army, be made out and delivered to Mr. Joseph Trumbull, commissary general, who is directed to give the necessary orders respecting the same.

Congress resumed the consideration of the report from the Committee of Treasury of the 11th; Whereupon,

Resolved, That one thousand dollars be advanced to Major Ottendorf, for recruiting his corps of rangers; and that he be directed, forthwith, to produce a certificate from the commissary general of musters, or deputy muster master general in this department, of the number of soldiers inlisted into his respective companies.[2]

The Board of War brought in a report, which was taken into consideration; Whereupon,

Resolved, That Baron Ernst Siegsmond be appointed first lieutenant, and John Conrad Latour, second lieutenant, in the corps commanded by Major Ottendorff.[3]

The committee appointed to confer with the president and council of the Delaware State, on the necessity of calling out one thousand five hundred of the militia therof, well armed and accoutred, to rendezvous at Chester, on Delaware, reported,

"That they, together with General Mifflin, met the president and council at Wilmington, in the said State,

[1] This letter is in the *Papers of the Continental Congress*, No. 78, I, folio 81.

[2] This report is in the *Papers of the Continental Congress*, No. 136, I, folio 117.

[3] This report is in the *Papers of the Continental Congress*, No. 147, I, folio 153.

and conferred with them on the business aforesaid; that the said president and council gave assurance to your Committee that they were willing and desirous to comply with the requisition of Congress for the aid of the militia aforesaid, and that every mean in their power would be used to draw forth the number required: but they apprehended that this might be more probably effected, by fixing the place of their rendezvous near the Delaware, within the said State, and which would not be more than six or seven miles distant from the general rendezvous proposed at Chester: that your committee, with the approbation of General Mifflin, acceded to the proposal of fixing the place of rendezvous for the militia of the said State within the same, as the most probable means of obtaining their aid and service, and beg leave to recommend the same to Congress as equally advantageous to the public service;" ||Whereupon,||

Resolved, That the said report be accepted and agreed to.

Agreeable to the order of the day, Congress resolved itself into a committee of the whole, to take into consideration the letter from General Gates, and the papers enclosed ||referred to them;|| and, after some time, the president resumed the chair, and Mr. F[rancis] L[ightfoot] Lee reported, that the committee have had under consideration the letter and papers to them referred, and have come to sundry resolutions, which he was ordered to report.

The report from the committee of the whole being read, was agreed to, as follows:

Resolved, That General Washington be directed to write to the eastern States, from whence the troops to be employed at Ticonderoga are expected, and to request them, in the name of Congress, to adopt and pursue every means, particularly those recommended by Congress, in

their resolutions of the 14 of this month, for compleating and forwarding the regiments which he has already ordered for that service, it being the opinion of Congress, that a delay in this matter will be attended with the loss of that important pass:

That the convention of New York be requested to give all possible aid of the militia of their State, to keep open the communication between Albany and Ticonderoga; and that an extract of General Gates's letter of the 19, to General Washington, relative to the increase of tories, be transmitted to the said convention:

That General Gates be informed of the measures taken by Congress to reinforce him with men, and to supply him with money; that he be informed, that it is not the wish of Congress that he retain possession of that part of Ticonderoga which lies on the west side of Lake Champlain, if, in his judgment, the great point of preventing the enemy from penetrating the country may be better obtained by applying his whole force to the strengthening and securing Fort Independence and the water defence of Lake George:

That, if Major General Gates shall be of opinion, that there are not a sufficient number of carpenters employed on the vessels at Lake George, he be authorized and directed immediately to engage as many as he shall think necessary for compleating, with the utmost despatch, the water-craft now erecting on that lake:

That General Washington be directed to send to Congress the names of the general officers ordered to repair to Ticonderoga, and the names and number of the regiments under marching orders for that place:

That General St. Clair be informed, by express, of the approach of the enemy to Ticonderoga, and that he be directed to repair, without loss of time, to that place.

Resolved, That the commissioners of Indian affairs at Albany, be directed to accept of the offer made by the Oneidas, in their speech of the 19th of March, to Colonel Elmore, to send scouts to watch the motions of the enemy at Oswegatchie; and that a copy of the said speech be transmitted to the commissioners at Albany.[1]

Sundry amendments being offered to the resolutions passed on the muster master's department,

Resolved, That the committee formerly appointed to regulate the department of the muster master, be directed to revise the resolutions passed on that subject, and that the amendments now offered be referred to them.

A letter of the 26, from General Washington, enclosing a copy of a letter to him from General Howe, was read.[2]

The Committee of Treasury reported,

That there is due to Walter Drummond, for boarding sundry troops belonging to Captain Hand's company, the sum of 30 43/90 dollars:

That there is due to Christian Dull, for provisions supplied to sundry troops on their march, the sum of 38 dollars:

That there is due to Lieutenant John Ellis, of the 2d Pensylvania batallion, for sundry provisions he supplied a party of men who were left sick under his command in Canada, 6 22/90 dollars:

That there is due to Colonel Evan Evans, for the bal-

[1] On a letter from Colonel Samuel Elmore to General Schuyler, dated at Fort Schuyler, March 20, 1777, in the *Papers of the Continental Congress*, No. 166, folio 373, are found the following resolutions, in the writing of William Duer:

"That General Gates and the Commissioners of Indian Affairs be directed to hold a conference with the Oneidas, and to accept of their offer to send Scouts to watch the Motions of the Enemy at Oswegatchie.

"That the Commissioners of Indian Affairs at Albany be directed to accept of the offer made by the Oneidas on their Speech to Colonel Elmore of the 19th March to send Scouts to watch the Motions of the Enemy of Oswegatchie, and that a Copy of the said Speech be transmitted to the Commissioners at Albany."

[2] This letter is in the *Papers of the Continental Congress*, No. 152, IV, folio 111.

ance of the pay roll of his batallion of Chester county militia, in the service of the United States, from the 4th December, 1776, to the 30 January, 1777, the sum of [£818 3 3=] 2,181 69/90 dollars.[1]

Ordered, That the said accounts be paid.

The Board of Treasury, brought in a farther report, which was taken into consideration; Whereupon,

Resolved, That it be recommended to the several States, forthwith, to order the sums advanced by them for recruiting the continental batallions raised by the said States, together with the names of the officers receiving the same, to be transmitted to the pay masters of such batallions; and that the said pay masters be respectively required, to call such officers to account therefor; who shall produce certificates from the muster master or deputy muster master general, specifying the number of non-commissioned officers and soldiers, and also, if officers of the light-horse, the number of horses, and arms and equipage belonging to their respective regiments, companies or troops, together with such other vouchers as shall be necessary to prove the sums expended for these articles, the subsistence of the troops before their joining the army, the loss of money by the deaths or desertions of non-commissioned officers and soldiers before muster, or other necessary expences; and it is further recommended to the said States, that they order the said regimental pay masters to report to them, the settlement of the said accounts, together with the vouchers to be produced when confirmed by the said States, to the Treasury Board, on adjustment of their accounts:

That it be recommended to the said states, that if any of the pay masters shall neglect to obey their directions, as aforesaid, to order their names to be transmitted to the

[1] This report is in the *Papers of the Continental Congress*, No. 136, 1, folio 139.

commander in chief of the department, who shall, thereupon, remove from office, such delinquent pay masters, and supply their places with such others as he shall think qualified therefor:

That if any officer shall not, within one month after application for that purpose, render such accounts, the regimental pay master requiring the same, shall make report thereof to the commander in chief of the department, who shall order a court-martial on such officer, [and also on such other officer as shall be guilty of embezzling the public money;][1] and the fact being ascertained by their reports, shall immediately cause him to be cashiered, and a copy of the report delivered to the regimental pay master, to be transmitted to the State to which he belongs, that such State may give proper orders for compelling the delinquent officer to account in a court of justice:

That duplicate accounts of all monies advanced by Congress, by general officers, and by the pay master and deputy pay masters general, for recruiting continental batallions, be transmitted by the Treasury Board, such general officers, pay master and deputy pay masters general respectively, to the commissioners of accounts for the army in the northern and middle departments, who shall deliver the same to the respective regimental pay masters, to enable them to call the officers, chargeable with such money, to account, in the manner before directed; and the said regimental pay masters shall transmit to the respective commissioners, aforesaid, the settlement of such accounts, with the vouchers, who shall report to the treasury office those which are approved by them, and shall proceed with the regimental pay master neglecting to obey their directions herein, and officers not

[1] These words are in the writing of Elbridge Gerry.

accounting for the monies by them received as aforesaid, in the manner proposed to be pursued by the States, in ||consequence of|| the preceding resolve:

[That the general officers, pay master and deputy pay masters general respectively, be also directed, to transmit to the treasury office, duplicate accounts of all monies advanced by them for recruiting continental batallions as aforesaid:]

That all regimental pay masters be directed to apply to the respective commissioners, for accounts of the sums advanced to their officers, as aforesaid:

That all commissioners of claims or accounts be empowered to administer oaths or affirmations to persons examined by them in the execution of their office:

[That accounts received by the auditor general, or, in his absence, the assistant auditor, from the commissioners of claims, agreeable to a resolve of Congress, of the 13 of March last, be approved by them respectively, before such accounts are reported to Congress.][1]

~~Whereas Major-General Schuyler, commanding officer at this post has represented that~~

That all pay rolls of the militia which shall be tendered to Congress or the Board of Treasury, for payment, be referred, for examination and adjustment, to the Commissioners of Claims; and reports thereon shall be made to the Treasury Board; who, approving thereof, shall issue their warrants for the discharge of the same, on the pay master appointed for that purpose; and that all resolutions heretofore passed, which are repugnant to this mode of settlement and payment, be repealed.

Whereas, by a resolution of Congress, passed on the

[1] This report, dated April 24, is in the *Papers of the Continental Congress*, No. 136, I, folio 131. The paragraphs in brackets are in the writing of Elbridge Gerry. It is endorsed "April 25. Partly agreed to, the rest postponed. Remainder agreed April 29."

5th of November, 1776, it is directed, "That all accounts for services done, or articles supplied the northern army, shall be presented to the commissioners for settling accounts, and that so much thereof as shall be approved by them, and confirmed by the general, be paid by his warrant on the pay master:" And, whereas, doubts have arisen, whether, by the said resolution, it is not required of the general, to enter into the detail and examination of the said accounts, to enable him to confirm the report of the commissioners; and such duty being, in time of war, impracticable;

Resolved, *therefore*, That so much of all the accounts, above described, as shall be approved by the commissioners, and not objected to by the general, shall be paid, by his warrant, in the manner the said resolution prescribes.

Resolved, That there be allowed to each of the commissioners for settling the public accounts of the army in the northern and middle departments, while they, respectively, continue in that office, at and after the rate of four dollars a day.[1]

A letter, of the 26, from Governor Johnson, of Maryland, enclosing a copy of a letter, from the said governor, to James Nicholson, captain of the *Virginia*, and of Captain Nicholson's answer, being received, was read:[2]

Resolved, That the same be referred to the Marine Committee, and that they report thereon to morrow.

That the said committee be directed to order Captain Nicholson to dismiss all the men he has impressed, and not to depart with the frigate till further orders.

Resolved, That two members be added to the said committee:

[1] This report is in the *Papers of the Continental Congress*, No. 136, I, folio 127.

[2] These papers are in the *Papers of the Continental Congress*, No. 70, folios 195, 197, and 201.

The members ||chosen,|| Mr. P[hilip] Livingston for New York and Mr. W[illiam] Smith, for Maryland.

At a Board of War, 29th April, 1777

Agreed to Report to Congress.

That, the Council of the State of Massachusetts Bay, be desired to take into their farther Consideration the case of the Inhabitants of Cumberland and Sunbury Counties in Nova Scotia, who are Sufferers by their Attachments to the American Cause, and that the said Council be requested to devise and put in Execution such Measures at Continental Expence as shall by them be thought practicable and prudent for the Assistance and relief of the said Sufferers, either to enable them to bring off their Families and Effects, or to defend the said Counties against the Enemy. The Forces destined for this Service, to be raised in such places as will the least interfere with the raising their Quota of Continental Troops and not to exceed the number of .[1]

Recommitted

That if fifteen complete Battalions be furnished by New Hampshire and Massachusets Bay, as part of the Continental Army, then, and in such case, three Battalions, the residue of the Quotas of these States, may be employed in Nova Scotia in such ways as shall be thought most conducive to general Advantage, either by acting offensively or affording Protection to such of the Inhabitants of that Province as are Friends to the United States.[2]

That an Order on the Loan Officer at Boston be drawn in favour of the President of the Council of Massachusetts Bay, for Two thousand Dollars, to be paid by him to John Allen Esq., Continental Agent for the Indian Affairs in the Eastern Department [to be employed in the service of that Department:][3] the said Mr Allen to be accountable for the expenditure.[4]

Agreed

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

[1] See under May 13, 1777, *post*.

[2] This paragraph was struck out.

[3] The words in brackets were inserted by John Hancock.

[4] This paragraph is printed under May 6, 1777, *post*. This report is in the *Papers of the Continental Congress*, No. 147, I, folio 155.

WEDNESDAY, APRIL 30, 1777

A letter, of the 28, from General Washington, at Morristown, with a copy of a letter to him from Brigadier General M'Dougal, and sundry other intelligence respecting the enemy's marching into Danbury, was read:[1]

Resolved, That a committee of four be appointed to confer with the commissary general, on the means of obviating any ill consequences that may ensue from the loss of the provisions at Danbury:

The members chosen, Mr. [William] Duer, Mr. [Thomas] Nelson, Mr. S[amuel] Adams, and Mr. [Elbridge] Gerry.

Resolved, That four hundred dollars be advanced to Captain John Hunter, the same being in full of an order in his favour drawn by General Washington on William Palfrey, Esqr pay master general, for recruiting a company on continental establishment, dated the 26 April, 1777, and that the same be charged to the account of the said William Palfrey, Esqr

Resolved, That a committee of three be appointed to prepare an address to the inhabitants of the thirteen United States, on the present situation of public affairs:

The members chosen, Mr. [James] Wilson, Mr. [William] Duer, and Mr. [Thomas] Burke.

Resolved, That a committee of three be appointed to confer with the executive power of the State of Pensylvania, upon the general situation of affairs in that State:

The members chosen, Mr. [William] Duer, Mr. J[ohn] Adams, and Mr. [Benjamin] Rumsey.

Resolved, That 100,000 dollars be advanced to the State of Pensylvania for public service, the said State to be accountable.

[1] This letter is in the *Papers of the Continental Congress*, No. 152, IV, folio 117. It is printed in *Writings of Washington* (Ford), V, 345.

The committee appointed to confer with the commissary general brought in a report, which was read; Whereupon,

Resolved, That a copy of the said report be sent to General Washington by General Schuyler, with the reasons on which the same is founded; and that so much of the said report as relates to the removal of provisions from Derby, Salisbury, Canaan and Sharon, and the magazines from which the armies are to be supplied, be delivered to the quarter master and commissary general, with orders to take measures for carrying the same into execution, if approved by General Washington.

The Committee this Day appointed to confer with the Commissary General beg Leave to report that the Resolutions hereafter mentioned appear to them most eligible to be adopted for establishing Magazines of provisions in such places as may best secure them from falling into the Hands of the Enemy, and to facilitate the Transportation thereof for the use of the Armies of the United States.

Resolved, that the salted pork and Beef now at Derby, Salsbury, Canaan, and Sharon in the State of Connecticut be removed into Ulster County in the State of New York and to the Distance of twenty Miles from Hudson's River, provided the enemy are not in possession of Hudson's River to the Northward of the Highlands. If they are, that all the provisions and other Stores at the first mentioned place be removed farther from the Sound and those at the other places further from Hudson's River.

Resolved that the Quarter Master General be directed to Send forthwith an active Deputy to Derby, to remove the Stores from thence, agreeable to the first Resolution: that another Deputy be sent to remove the provisions from Canaan, Sharon and Salsbury, in like manner; that particular Instructions be given by the Quarter Master General to remove those provisions by such Routes as least to endanger their falling into the Enemy's Hands.

Resolved, That the Troops now under the Command of General McDougal and such others as may join him, be supplied with provisions from Derby, Canaan, Sharon or Salsbury, until the Commissary General can procure a Supply of fat Cattle from Connecticut for which he is to take order immediately.

Resolved, that one hundred thousand Bushels of Wheat purchased by Deputy Commissary Avery in the Eastern parts of the County of Albany and in the Western parts of the Massachusetts Bay be not removed to Hudson's River.

Resolved, that Magazines of Flour be immediately established in different parts of Ulster County at a Distance of twenty Miles from Hudson's River, and that the Commissary General take immediate order therein.

Resolved, that the army under the Command of General Gates be supplied with Flour out of that part of the County of Albany which lays on the West Side of Hudson's River, and on the East Side as far down as to Kinderhook District, and also out of the County of Tryon.

Resolved, that one thousand head of fat Cattle be immediately purchased in the Eastern States, and sent without delay into Ulster County to be there dispersed amongst the Inhabitants with orders to keep up their flesh with Hay corn or otherwise until they can be turned to grass.

Resolved, That one thousand head of fat cattle be immediately purchased in the eastern states, and sent, without delay, into Ulster county, to be there dispersed amongst the inhabitants, with orders to keep up their flesh with hay, corn or otherwise, until they can be turned to grass.

Resolved, That if the enemy attempt to penetrate up Hudson's river, all the wheat that can be collected in Duchess county, and in the manor of Livingston, Claverack and Kinderhook districts, be removed into the north-western parts of Connecticut, and the western parts of the Massachusetts bay; and that it be recommended to the convention of the State of New York, to direct the mode of doing it.

Resolved, That the legislatures of the eastern States be desired to recommend, and point out to the inhabitants thereof, such mode as to them shall seem best calculated to afford the most early supply of grass-fattened cattle, for the use of the armies of the United States.

Resolved, That the commissary general be directed to deliver 500 bushels of salt to such person as the quarter

master general shall appoint to receive the same, and that it be immediately sent into Ulster county, to be divided and lodged at the different magazines of provisions to be formed there.[1]

Resolved, That Major General Schuyler be directed to send a proper officer, to hasten the march of the Carolina continental troops, supposed to be now on their way to head-quarters; that they halt at Dumfries, Colchester, and Alexandria, in Virginia, there to pass through inoculation; which the hospital surgeons, lately despatched from this city to Dumfries, are directed to see effected, with the greatest despatch.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

THURSDAY, MAY 1, 1777

A letter, of 21 of last month, from Ephraim Blaine, Esq[r] was read:[2]

Ordered, That the same be referred to the Board of War.

An appeal from the judgment of a court of admiralty, held at Newbern, for the port of Beaufort, in the State of North Carolina, on the libel "James Coor, &c. *vs.* the brigantine *Hanover*, &c." being lodged with the secretary, was referred to the standing committee on appeals.

Resolved, That fifty blank commissions for private ships of war, with an equal number of instructions and resolutions of Congress for taking or destroying the vessels of the subjects of Great Britain, be delivered to the committee for foreign affairs, to be by them transmitted to the commissioners at the court of France.

[1] This report, in the writing of John Lansing, Jr., is in the *Papers of the Continental Congress*, No. 29, folio 55.

[2] This letter is in the *Papers of the Continental Congress*, No. 165, folio 287.

Ordered, That the committee for foreign affairs revise the commissions for private ships of war, and the instructions heretofore given to the commanders of the said ships, and report such alterations and amendments as they judge proper to be made therein.

Resolved, That a commission be made out and sent to Arthur Lee, Esq[r] impowering him in behalf of the United States to transact such business at the court of Spain as shall be intrusted to him by Congress, agreeable to the instructions that may be given him, and transmitted by the committee for foreign affairs.

Resolved, That a committee of three be appointed to inquire into the laws and customs of Nations respecting neutrality, and to report their opinion whether the conduct of the King of Portugal, in forbidding the vessels of the United States to enter his ports and ordering those already there to depart at a short day, is not a breach of the laws of neutrality, and will justify acts of hostility against the subjects of the said King.

The members chosen Mr [James] Wilson, Mr J[ohn] Adams, and Mr. R[ichard] H[enry] Lee.

Resolved, That Tuesday next be assigned for appointing commissioners for the courts of Vienna, Berlin, and Tuscany.

Congress took into consideration the letter of the 26 of last month from Governor Johnson, the copy of the said governor's letter to Captain James Nicholson, and Captain Nicholson's answer; Whereupon,

Resolved, That this Congress will never countenance or support any continental officer in violating the laws of any State or treating its magistrates with contempt:

That Captain James Nicholson be suspended from all command, in the service of the United States, until he shall have made such satisfaction, as shall be accepted by

the executive powers of the State of Maryland, for the disrespectful and contemptuous letter written by him to the governor of that State.

Resolved, That Captain James Nicholson be served with a copy of the said resolutions, and that, in case he shall not, within five days after he has been served with the said copy, make the satisfaction required, he be dismissed from his command and from the service of the United States.

Ordered, That the foregoing resolutions be immediately transmitted by the Marine Committee, and that they give the necessary orders for immediately dismissing the men impressed by Captain Nicholson.

A letter, of the 30, from General Washington, with sundry papers enclosed, respecting the enemy's expedition to Danbury, was read:[1]

Ordered, That the same, together with the letters received yesterday on the same subject, be referred to the Committee of Intelligence~~, who are directed to publish such extracts from them as they judge proper~~.

Congress being informed, that Governor Johnson has, in pursuance of the resolution of Congress, of April 19, for the purposes therein expressed, detained Colonel Richardson's batallion, two companies of which are now in Philadelphia on their way to General Washington:

Resolved, That the said companies proceed to the army, and that Governor Johnson be empowered to replace them, by detaining two companies of the weakest Maryland batallion remaining in that State.

A petition from Patrick Colvin, was read:

Ordered, That the same be referred to the Board of Treasury.

[1]This letter and inclosures are in the *Papers of the Continental Congress*, No. 152, IV, folios 121–145.

Resolved, That an order for 22,000 dollars be drawn on Joseph Borden, Esqr the commissioner of the loan office for the State of New Jersey, in favour of William Palfrey, Esqr pay master general, for which he is to be accountable.

The Committee of Treasury reported,

That there is due to Joseph Ward, Esqr for his services as secretary to Major General Ward, while he had the command in Massachusetts bay, as follows: from the 20 April, 1775, to the 2 July following, 73 days; and from the 30 March, 1776, to the 26 September following, 180 days, in the whole making 253 days, at the rate of 33 dollars per month, is 274 24/90 dollars:

That there is due to David Kerr, late a prisoner of Colonel Montgomery's batallion of the flying camp, for his pay from the time he was taken prisoner till his return, one month and 20 days, 12 dollars:

That there is due to Andrew Elder, late a corporal in the above batallion, for his pay while a prisoner, and which is claimed by his father, one month and 23 days, 12 86/90 dollars:

That there is due to Colonel Henry Haller, for the balance of the pay roll of his batallion of Pensylvania forces of the flying camp, the sum of £1,380 18 0½; the whole account being £6,715 8 10½; of which he has received of the following persons, who are to be credited for the same:

of Mease and Caldwell	1,939	01	6
of Richard Dallam	3,252	10	0
to be deducted for pay due to different deserters	142	19	4
Total	5,334	10	10
Balance is	1,380	18	0½
Equal to	3,682	36/90 dollars	

That there is due to sundry soldiers of the said batallion who were taken prisoners, and have since returned, and which is to be paid to the said H. Haller, the sum of £683 13 10, ||equal to 1,823 16 dollars,|| both sums making £2,064 11 10½ equal to 5,505 52/90 dollars.[1]

Ordered, That the said sums be paid.

Ordered, That Mr. [Nathan] Brownson have leave of ~~that house to return to Georgia~~ absence.

Ordered, That Mr. [Matthew] Thornton have the leave of this house to return to New Hampshire.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

FRIDAY, MAY 2, 1777

Ordered, That Mr. [Oliver] Wolcott have leave of Congress to return to Connecticut.

Resolved, That 500 dollars be advanced to the delegates of Connecticut for the use of that State, which is to be accountable.

Resolved, That 224½ dollars be advanced to Morgan Alexander, captain in the 2d Virginia batallion; he to be accountable.

The Committee of Treasury reported,

That there is due to Christopher, jun. and Charles Marshall, for sundry medicine and chirurgical instruments supplied by them for the use of different batallions of continental forces, the sum of £1,556 16 6 equal to 4,151 48/90 dollars:

That there is due to Dr. George Glentworth, for sundry medicine supplied the sick of Captain Doyle's company in continental service, the sum of 28 48/90 dollars:

[1]This report is in the *Papers of the Continental Congress*, No. 136, I, folio 143.

That there is due to Dr. Frederick Phile, for sundry medicine administered by him to several batallions of continental forces, the sum of £492 2 9 equal to 1,312 33/90 dollars.[1]

Ordered, That the said accounts be paid.

Resolved, That all muster rolls, directed to be taken, be sworn to before some general officer of the army, or, in the absence of a general officer, before the commanding officer of the post where the muster is made, or some civil magistrate in these United States; and a certificate thereof be made on the back of each roll in the words following: "We do swear, that the within muster roll is a true state of the company, without fraud to these United States, or to any individual, according to our best knowledge. A. B. Capt. C. D. lieutenant or ensign. Sworn to before me, this day of E."

Resolved, That each deputy muster master deliver to the deputy muster master general of his department, one certified copy of all muster rolls by which the latter shall make the abstracts required from him.

Resolved, That the commissary general of musters and his deputies shall take an oath of office and fidelity to these United States.

Resolved, That in the absence of the commander in chief from any department, the deputy muster masters shall be appointed by the commander in that department.

Resolved, That the mustering officers be empowered and directed to require from the officers, whose troops are mustered, any papers or vouchers relative to the inlistment and muster.

Resolved, That the sum of 1,600 dollars be advanced to Colonel John Hawkins Stone, of the first Maryland batal-

[1]This report, dated April 29, is in the *Papers of the Continental Congress*, No. 136, I, folio 141.

lion; and the sum of 1,066 2/3 dollars, to Lieutenant Colonel Thomas Woolford, of the second, for the use of their respective batallions; they to be accountable.

Resolved, That a major general and a brigadier general be appointed in the army of the United States.

The ballots being taken, Brigadier General Benedict Arnold was promoted to the rank of major general.

Resolved, That the appointment of a brigadier general be postponed till to morrow.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

SATURDAY, MAY 3, 1777

Resolved, That the sum of £332, equal to 885⅓ dollars be advanced to the delegates of Maryland, for the use of the detachment of Colonel Richardson's batallion, which is ordered to join the army, under the immediate command of General Washington; and that the said sum be charged to the account of the said batallion.

Resolved, That 100,000 dollars be advanced to Joseph Trumbull, Esq. commissary general, for public service; he to be accountable.

The Board of War brought in a report, which was taken into consideration; Whereupon,

Resolved, That Christopher Ludwick be appointed superintendent of bakers, and director of baking, in the grand army of the United States; that he have power to license, with the approbation of the commander in chief, or officer commanding at any principal post, all persons to be employed in this business, and to regulate their pay, making proper report of his proceedings, and using his best endeavours to rectify all abuses in the article of bread:

That no person be permitted to exercise the trade of a baker in the said army without such licence; and that he receive for his services herein, an allowance of seventy-five dollars a month and two rations a day.

Resolved, That John Belton be authorized and appointed to superintend, and direct, the making or altering of one hundred muskets, on the construction exhibited by him, and called "the new improved gun," which will discharge eight rounds with once loading; and that he receive a reasonable compensation for his trouble, and be allowed all just and necessary expences.[1]

Resolved, That Christian Mankey[2] receive a commission as first lieutenant, and George Shoffner a commission as a second lieutenant, in Captain John Paul Shott's independent company; and that the said commissions bear date the 4th February last, the time they were appointed to act by the captain, in consequence of orders from General Washington.

Ordered, That the farther consideration of the report be postponed till Monday next.

Resolved, That Christian Frolock be appointed a second lieutenant in Captain Selim's company, of Major Ottendorf's corps.

Resolved, That another brigadier general be appointed in the army of the United States;

Resolved, That the appointment of the two brigadiers be postponed till Monday next.

The Committee of Treasury reported,

That there should be advanced to Colonel Thomas Hartley, commanding one of the sixteen additional batallions, for the use of his regiment, on the application of

[1] A letter of Belton, dated Philadelphia, April 11, 1777, offering his discovered improvement in small arms, is in the *Papers of the Continental Congress*, No. 41, I, folio 123. His name was Joseph Belton.

[2] Christian Mancke.

Major Lewis Bush, the sum of six thousand dollars: the said colonel to be accountable:

That there should be advanced to Colonel David Hall, commanding the batallion of continental troops, raised in the State of Delaware, six thousand dollars, for the use of his batallion, he to be accountable:

That there should be advanced to John Paul Shott, for the use of his independent company, the sum of three hundred dollars; he to be accountable:

That there is due to Captain Samuel Griffith, for the expences of seven men, from Baltimore to Philadelphia, as a guard for money, thirty seven dollars:

To Robert Erwin, for 12 cords of wood and sawing, delivered for the use of Congress, 131 dollars:

That there is due to James Jackson, to be paid to Colonel Henry Haller, for pay, as a private from the 15 of December to the 24th January, when he returned from New York, and his mileage from thence, 9 79/90 dollars:

To Steiner & Cist, printers, for printing the address of the assembly for the state of New York, in German, 1,000 copies, and for paper, 39 39/90 dols.

To Lewis Weiss, for translating the address into German, 16 dollars:

To the committee of York county, in Pensylvania, for the board of ten prisoners, from the 3 July to the 23 November, nineteen weeks, at one dollar per man, per week, a balance of 180 dollars:

To Nathaniel Donnel, as commissary of musters for the militia, for pay, from the 16 July, 1776, to the 25 March, 1777, eight months and nine days, at 40 dollars per month, and for two hundred and fifty two days' rations, at 4 rations per day, both amounting to 421 54/90 dollars:[1]

[1] The original report has the following: "Mr. Donnel claims Pay to the Time when another Commissary was appointed, the 25th March, which was the last service he performed."

To William Smith, late a captain in the 6 Pensylvania batallion, commanded by Colonel Irwin, upon the balance of his several accounts, 1,799 89/90 dollars:

To William Rippey, late a captain in the same regiment, upon his several accounts, 1,561 68/90 dollars:

To Captain Hay, for a balance of several accounts against his company in the said regiment, 960 dollars:

To Captain Jeremiah Talbot, for a balance on his account against his company in the said regiment, 1,233 6/90 dollars.[1]

Ordered, That the said accounts be paid.

Resolved, That whenever an account with the United States shall be settled by any of the commissioners of accounts, returned to and approved of by the Board of Treasury, and by them reported to and confirmed by Congress, the Board of Treasury shall be authorized to give the accountant a sufficient discharge for the same.

The Committee of Treasury reported,

That the commissioners for settling the accounts of the army in the northern department, have produced to the Treasury Board, among other accounts adjusted by them, a general account of the receipts and disbursements of Major General Schuyler, and a separate account of the disposal of specie remitted to him by Congress and otherwise, for carrying on the military operations in Canada: that the last mentioned account has, at General Schuyler's immediate request, been examined by the Board of Treasury, with the several vouchers: That it appears to this Board, that before General Schuyler was supplied by Congress with any specie at all, he sent into Canada, for the public service, more than 3,250 dollars in specie; that he sent such farther sums in specie into Canada, raised on his private credit, that when the army retreated from

[1] This report, in two parts, is in the *Papers of the Continental Congress*, No. 136, I, folios 85 and 149.

thence, he was in advance upwards of the value of 10,000 dollars in specie, above what he had been supplied with by Congress; that, to re-imburse his friends who had lent him the said specie, he, after the retreat from Canada, drew out of the military chest several sums in specie, with which it was supplied after such retreat; but, that he remains, upon the final settlement of the said account, in advance for the public in specie, upwards of the value of 3,250 dollars more than he ever received in specie, having taken continental money in payment thereof: That it further appears from the said account and vouchers, that none of the specie, supplied to him by Congress, before the retreat from Canada, remained in his hands more than two days, the same being delivered over to the deputy pay master general.

Resolved, That the said report be accepted, and that the same be published.

Resolved, That Tuesday next be assigned for the election of commissioners of the navy in the four New England states.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock on Monday.

MONDAY, MAY 5, 1777

Resolved, That there be paid to John Carter, or order, the sum of 1,380 dollars, the same being in full of a bill of exchange in his favour, dated at Albany, March 24, 1777, and drawn by John Pierce, Junr assistant pay master; and that the same be charged to the account of Jonathan Trumbull, Junr deputy pay master general in the northern department, agreeable to the tenor of the said bill.

Resolved, That an order for twenty thousand dollars be drawn on Michael Hillegas, Esqr treasurer, at Baltimore, in favour of Jonathan Hudson, for public service; he to be accountable.[1]

A letter, of the 27 April, from Elias Boudinot, with a counterfeit thirty-dollar bill inclosed, was read:

Ordered, That the same be referred to the Board of Treasury.

Agreeable to the order of the day, Congress resumed the consideration of the report from the Committee of the whole on the articles of confederation; and, after some time spent thereon,

Resolved, That the further consideration thereof be deferred till to morrow.

For the better managing the Interests of the United States, Shall be Instituted a General Council and Council of State to form a Congress.

The General Council Shall consist of Delegates chosen by the Several States in Such manner as is or Shall be provided by their respective Laws and Constitutions in the following proportions.

The Council of State Shall consist of one Delegate from every State to be chosen in manner provided by their respective Laws and Constitutions.

Every act Edict and ordinance Shall be first moved in the General Council and read three times and three times assented to by a majority of all the voices of which the Council ought to be composed. Every act, Edict and ordinance so assented to Shall also be assented [to] by a majority of all the voices of which the Council of State ought to consist before the Same Shall be binding on the States.

And every act, Edict and ordinance So assented to Shall be binding on all and Every of the United States: Provided, the Same Shall be within the Powers hereafter Expressly given to the United States in Congress assembled. Except in the following cases, that is to say, Where any War is to be waged or acts of hostility commenced, or authorized against any Prince, State or People not having declared

[1] Hudson's letter asking for this sum is in the *Papers of the Continental Congress*, No. 78, XI, folio 149.

War against all or any of the United States, or invaded any of the Same by Acts of Hostility against the Coasts, Ports Fortresses or Dominions of any of the United States: every act, Edict or ordinance declaring Such War Shall be assented to by three fourths at the least of all the voices of which the general Council ought to consist, and of nine voices at the least in the Council of State before the Same Shall be held binding on the United States or any of them, to any intent or purpose, and every State dissenting from Such War Shall be no further bound thereby than to refuse any aid or protection to the Enemy with whom the other States may be at War, which Dissent every State Shall be at liberty to make by her delegate in the Council of State, and every Such State Shall be Excluded from all Benefits resulting from Such War, and Exempted from all Expences attending the Same.

(Endorsement)

Burke's amendments to Confederation proposed on the Qu: Shall the Congress consist of two houses, passed in the Negative. So whole dropt.

1 Delays in Execution

Congress Executive Body resembling King &c:

2. No Combination Except one or the other

Idea of Distinctions resembling British Constitution.[1]

Resolved, That two thousand dollars be advanced to the State of Rhode Island; the said State to be accountable.

Ordered, That Mr. B[enjamin] Rumsey have leave of absence.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

TUESDAY, MAY 6, 1777

A letter, of the 5, from General Washington;

And of the 29 of April, from General Gates, were read.[2]

[1] This paper is in the *Papers of the Continental Congress*, No. 47, folio 37. It is in the writing of Thomas Burke.

[2] The letter of Washington is in the *Papers of the Continental Congress*, No. 152, IV, folio 153. It is printed in *Writings of Washington* (Ford), V, 350.

Ordered, That the letter from General Gates be referred to the Board of War; and that they be directed immediately to forward a copy thereof to General Washington, and inform him it will be agreeable to Congress that he forward, with all convenient despatch, two troops of horse to General Gates.

The Marine Committee brought in a report, which was taken into consideration; Whereupon,

Resolved, That an order for 30,000 dollars be drawn on Joseph Clarke, Esqr the commissioner of the loan office for the State of Rhode Island, in favour of Daniel Tillinghast, Esq. for the use of the ships of war in that State:

That an order for 20,000 dollars be drawn on John Lawrence, Esqr commissioner of the loan office of the State of Connecticut, in favour of Barnabas Deane, for the use of the ships of war in that State:

That an order for 60,000 dollars be drawn on Nathaniel Appleton, Esqr commissioner of the loan office for the State of Massachusetts bay, in favour of Thomas Cushing, Esqr for the use of the navy in that State:

That an order for 40,000 dollars be drawn on Nicholas Gilman, Esqr commissioner of the loan office for the state of New Hampshire, in favour of John Langdon, Esqr for the use of the ships of war in that State.

A letter, of the 3, from General Washington, enclosing an extract of a letter from General Heath, dated Boston, 21 April, was read:[1]

Ordered, That the same be referred to the Board of War.

Congress resumed the consideration of the report from the Board of War, of the 29 April; Whereupon,

Resolved, That an order on Nathaniel Appleton, Esqr commissioner of the loan office for the State of Massa-

[1] The letter of Washington is in the *Papers of the Continental Congress*, No. 152, IV, folio 147. It is printed in *Writings of Washington* (Ford), V, 343.

chusetts bay, be drawn in favour of the president of the council of the said State, for two thousand dollars, to be paid by him to John Allen, Esq[r] agent for Indian affairs, in the eastern department, to be employed in the service of that department; the said Mr. Allen to be accountable for the expenditure.

Resolved, That the remainder of the report be recommitted.

Congress proceeded to the election of the board of assistants to the Marine Committee agreeable to the resolution of the 19 of April, ||in the eastern department;|| and, the ballots being taken, the following persons were chosen:

William Vernon, James Warren, and John Deshon, Esqs.

Resolved, That the said board be empowered to employ a clerk, with a salary of five hundred dollars per annum.

The Committee of Treasury reported,

That there should be advanced to Lieutenant William Reiley, for the use of a detachment of Colonel Carvil Hall's regiment, from Maryland, on their march to join General Washington's army, the sum of sixty dollars; Colonel Hall to be accountable:

That there should be put into the hands of the commissioners of accounts, for the payment of such of the Pensylvania troops as were taken in Canada, and released on their parole, as shall apply for the same, the sum of three hundred dollars; the commissioners to be accountable:

That there should be advanced to Colonel Marshall, of the 3d Virginia regiment, for the use of the said regiment, the sum of five hundred dollars; he to be accountable:[1]

That there is due to Gunning Bedford, for his pay as muster master general, from the 17 September, 1776, to 12 April, 1777, being 6 months and 26 days, at 40 dollars per month, 274 60/90 dollars; for his rations, 206 days, at

[1] This report is in the *Papers of the Continental Congress*, No. 136, I, folio 151.

4 rations a day, is 824 rations, at 8 pence, 73 22/90 dollars; ||the whole amounting to|| 347 82/90 dollars:

That there is due to Brigadier General Thompson, for his pay from the month of December, to April, inclusive, being five months, at 125 dollars per month, the sum of 625 dollars:

That there is due to Frederick Kelhopper, for sundry meals supplied men of Colonel Wood's batallion, the sum of 8 30/90 dollars:[1]

Ordered, That the said accounts be paid.

The Board of Treasury brought in a farther report, which was taken into consideration; Whereupon,

Resolved, That the appointment of Messrs. James Calhoon and William Young, by the Board of Treasury at Baltimore, after the adjournment of Congress from that place to Philadelphia, as superintendents of the press, be confirmed by Congress.

That the governor and council of Maryland be desired to appoint superintendents of the press in the room of such as shall discontinue in that office, and return their names to Congress, together with their qualifications, agreeable to a form in the hands of the present superintendents.

That any continental officer, being in Baltimore, with soldiers on their march to the camp, at the time when money is ordered by Congress to Philadelphia, shall, at the request of the treasurer, escort the same, and detain a sufficient guard for this purpose, for a time not exceeding three days.

That four hundred thousand dollars be forthwith paid to the Board of War, to be by them sent to the pay master general, for the use of the army; he to be accountable.[2]

[1] This report is in the *Papers of the Continental Congress*, No. 136, I, folio 153.

[2] This report, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 136, 1, folio 13.

That the treasurer be directed to pay to John Gibson, Esq[r] auditor general, the sum of five hundred thousand dollars, to be draughted out of his hands by order of Congress; he to be accountable.

A memorial from Bajeu La Porte, [Bajieu Laporte] was read:[1]

Ordered, That it be referred to the Board of War.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, MAY 7, 1777

Absent, New Hampshire at 11 3/4 o'Clock
Massachusetts at 11 3/4 ditto
North Carolina appeared at 11 1/2 o'Clock.

A letter, of the 6th, from Governor M'Kinley, ||president of the State of Delaware;||

And a memorial from Major General Schuyler, were read:[2]

Ordered, That the letter from Governor M'Kinley, be referred to the Board of War.

It having been represented to Congress, that sundry pieces of cloth were taken by the order of General Washington from John Hart, esquire's fulling mills, in the month of December last, to prevent the same from falling into the hands of the enemy; and that part of the said cloth was in the possession of the quarter master general, and part used for the public service. Whereupon,

Ordered, That the quarter master general, and his deputies, deliver to John Hart, Esq[r] all such cloth as he or they

[1] This memorial is in the *Papers of the Continental Congress*, No. 41, I, folio 127. A second memorial is on folio 131. Each is dated Philadelphia, May 5, 1777.

[2] The letter of President McKinly is in the *Papers of the Continental Congress*, No. 70, folio 601.

may have in their possession, taken from Mr. Hart's fulling-mills, near Rocky Hill, in New Jersey, in December last; and also account and pay for all the cloth taken from thence, which has been used and cannot be delivered.

Resolved, That the sum of 1,266 2/3 dollars be advanced to Uriah Forrest, major of the 3d Maryland regiment, for the use of such part of the said regiment as is under his command; and that the same be charged to the account of the said regiment.[1]

Congress proceeded to the election of Commissioners for foreign courts, and the ballots being taken, Ralph Izard, Esqr was elected for the court of Tuscany.[2]

Resolved, That the appointment of the other Commissioners be postponed.

Resolved, That an order, for 200,000 dollars, be drawn on Nathaniel Appleton, Esqr commissioner of the loan office for the State of Massachusetts, in favour of Joseph Trumbull, commissary general, he to be accountable.

Resolved, That the consideration of the memorial of General Schuyler be postponed till to morrow.

The Marine Committee brought in a report, which was read:

Resolved, That the consideration thereof be postponed till to morrow.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

[1] A letter from Forrest to Charles Carroll, asking for pay, is in the *Papers of the Continental Congress*, No. 78, IX, folio 83.

[2] In the margin is written "Secret."

THURSDAY, MAY 8, 1777

Absent: Massachusetts,
New York,
Maryland met 5 m after 11.
South Carolina do.

Resolved, That an order for 100,000 dollars, be drawn on Thomas Smith, Esqr commissioner of the loan office for the State of Pensylvania; and another order for 20,000 dollars on the continental treasurer at Baltimore, both orders in favour of James Mease, cloathier general, for the public service; he to be accountable.

Ordered, That Mr. [Thomas] Nelson have leave to return to Virginia, for the recovery of his health.

A letter, of the 6, from Joseph Trumbull, Esqr commissary, with an account referred to him, enclosed, was read:

Ordered, That the same be referred to the Board of Treasury.

A letter, from Governor Livingston, to Dr. Witherspoon, dated Haddonfield, May 7, was laid before Congress, and read, wherein he requests a guard of 25 or 30 continental troops, for purposes therein mentioned; Whereupon,[1]

Resolved, That General Schuyler be empowered and directed to send to Governor Livingston, at Haddonfield, in New Jersey, a guard of 25 or 30 continental troops, under proper officers, to be under the command and direction of the said Governor Livingston.

The Secret Committee having laid before Congress sundry letters and papers, received by the *Amphitrite*, arrived at Portsmouth, from France; and the same being read,

Ordered, That the said Committee furnish the Board

[1] This letter is in the *Papers of the Continental Congress*, No. 68, folio 255.

of War with copies of the invoices of military stores and entrenching tools, with a list of the French officers, and copies of their agreement with Mr. Deane, in order that the said Board may give the necessary directions relative thereto:

That the said Committee furnish the cloathier general with copies of the invoices of all cloathing and articles that relate to his department, that he may give the proper orders relative thereto:

That the Board of War send copies of the invoices, agreements, and list of the officers, with copies of their orders relative to the same, to General Washington.

That the Secret Committee give such directions relative to the *Amphitrite*, and other French ships employed in bringing stores from France, as they shall judge most likely to promote the public service.

Resolved, That Mr. J. Langdon be empowered to advance to the French officers arrived in the State of New Hampshire, with whom Mr. Deane has contracted, such sums of money as is necessary for their subsistence, and to enable them to proceed to such posts or places as they may be ordered to by General Washington; and transmit an account of the money so advanced to the pay master general.

Congress took into consideration the memorial from Major General Schuyler; Whereupon,

Resolved, That the explanation given in Major General Schuyler's memorial, of the expressions used in his letter of the 4th of February last, to Congress, is satisfactory; and that Congress entertain now the same favourable sentiments concerning him which they entertained before that letter was received.

It being represented, that the standing committee, for hearing and determining appeals, is too numerous, ~~and that several of the members are absent,~~

Resolved, That the said committee be discharged, and that a new committee of five be appointed, they or any three of them to hear and determine upon appeals brought to Congress.

The members chosen, Mr. [James] Wilson, Mr. [James] Duane, Mr. J[ohn] Adams, Mr. [Jonathan Dickinson] Sergeant, and Mr. [Thomas] Burke.

Resolved, That Mr. [George] Clymer be discharged from serving as a member of the Board of Treasury, in order that he may be enabled to give attendance at the Board of War.

Resolved, That a member be added to the Board of War:

The member chosen, Mr. [Charles] Carroll.

Resolved, That a member be added to the Board of Treasury:

The member chosen, Mr. [George] Walton.

Ordered, That the Secret Committee sell 1,000 lb. of sulphur to Mr. [Henry] Wisner, and 1,000 lb. to Mr. [Philip] Livingston, for the use of their powder mills.

The Committee of Treasury reported,

That there is due to Robert Jewell, for the maintenance of state prisoners, from the 21 February to the 11 April, including fire-wood and candles, the sum of 1,497 80/90 dollars, being the ballance of his account:

That there is due to Captain Thomas Rodney, for pay, subsistence and mileage of a volunteer company from the Delaware State, the sum of 424 8/90 dollars:

That there is due to Cæsar Rodney, for his pay and rations as brigadier general from the 6 of January to the 6 March, the sum of 314 dollars:

That there is due to Lieutenants M'Kennan, Cox, Brattan and Duff, of the Delaware batallion, commanded by Colonel Hall, for 11 days in going to Lancaster, and

returning as an escort to the prisoners sent from hence, the sum of 115 18/90 dollars:

That there is due to James Gillingham, for two chests and two letter cases made for the treasury office, 27 30/90 dollars:

That there is due to Lieutenant Thomas Houston, for the pay of a company of Bucks county militia, in Colonel Kirkbride's batallion, the sum of 115 69/90 dollars:

That there is due to Thomas Plunket, for the expence of himself and a guard with money from Baltimore to this city, and for their expences returning, the sum of 59 89/90 dollars:

That there is due to Lieutenant William Bird, of the 3d Pensylvania regiment, for a ballance of pay between the first March, 1776. and 5th January, 1777. 109 30/90 dollars:

That there is due to Dr. Thomas Hendrey, for his extraordinary services in New Jersey. the sum of 50 dollars:

That there is due to Reuben Smith, for 5 days service, taking a list of medicine in Woodbury, Connecticut, the sum of 11 7/90 dollars:

That there is due to John Brick, for expences paid for two sick privates of Colonel Seely's batallion of New Jersey militia, the sum of 22 36/90 dollars:

That there is due to Dr. John Griffith, for medicine and attendance on sundry sick soldiers, the sum of 38 45/90 dollars:

That there is due to William Hurrie, for sundry expences he paid while attending Congress, 8 12/90 dollars; for 36 days attendance as door keeper, from 10 March to 1 May, at 1 dollar a day, 36 dollars:

That there is due to Captain Thomas Hanson, for mileage of his company of Maryland flying camp, from Phil-

adelphia to Charlestown, Maryland, 200 miles out and home, 391 10/90 dollars.[1]

Ordered, That the said accounts be paid.

The Committee for Foreign Affairs reported the draught of a ||new|| commission for commanders of private ships of war, and a bond to be given by them, which were read and agreed to.

||The form of the commission is as follows:||

IN CONGRESS

The delegates of the United States of New Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia, to all unto whom these presents shall come, send greeting. Know Ye, That we have granted, and, by these presents, do grant, licence and authority to , mariner, commander of the , called the , of the burthen of tons or thereabouts, belonging to , mounting carriage guns, and navigated by men, to fit out and set forth the said , in a warlike manner, and by and with the said , and the crew thereof, by force of arms, to attack, subdue, and take all ships and other vessels whatsoever, carrying soldiers, arms, gun-powder, ammunition, provisions or any other contraband goods to any of the British armies or ships of war employed against these United States: And also to attack, seize, and take all ships or other vessels belonging to the inhabitants of Great Britain, or to any subject or subjects thereof, with their tackle, apparel, furniture and ladings, on the high seas, or between high and low water marks, (the ships or vessels, together with their cargoes, belonging to any inhabitant or inhabitants of Bermuda, Providence, and the Bahama Islands, and such other ships and vessels bringing persons with intent to settle and reside within any of the United States, or bringing arms, ammunition, or warlike stores to the said states, for the use thereof; which said ships or vessels you shall suffer to pass unmolested, the commanders thereof permitting a peaceable search, and giving satisfactory information of the contents of the ladings, and destination of the voyages, only excepted,) and the said ships or vessels so apprehended as aforesaid, and as prize taken,

[1] This report is in the *Papers of the Continental Congress*, No. 136, I, folio 155.

to carry into any port or harbour within the dominions of any neutral state willing to admit the same, or into any port within the said United States, in order that the courts there instituted to hear and determine causes civil and maritime, may proceed in due form to condemn the said captures, if they be adjudged lawful prize; or otherwise according to the usage in such cases at the port or in the state where the same shall be carried. The said having given bond with sufficient sureties, that nothing be done by the said or any of his officers, marines, or company thereof, contrary to, or inconsistent with the usage and customs of nations; and that he shall not exceed or transgress the powers and authorities contained in this commission. And we will and require all our officers whatsoever in the service of the United States, to give succour and assistance to the said in the premises. This commission shall continue in force until the Congress shall issue orders to the contrary. Dated at

By order of the Congress,

Attest, *President.*

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

FRIDAY, MAY 9, 1777

The Board of War brought in a report, which was taken into consideration; Whereupon,

Resolved, That a reward of 24 dollars be paid to every non-commissioned officer or soldier who shall come over with his arms from the enemy.[1]

Resolved, That the remainder of the report be re-committed.

Resolved, That an order for 22,336 2/3 dollars be drawn on Joseph Clarke, Esq[r] commissioner of the loan office for the State of Rhode Island, in favour of Colonel D[aniel]

[1] This report, dated May 6, is in the *Papers of the Continental Congress*, No. 147, I, folio 159.

Tillinghast, and charged to the account of James Mease, Esq[r] cloathier general; the same being in full for cloathing purchased by the said Colonel Tillinghast for the use of the army.[1]

Resolved, That the sum of £869 17 6 equal to 2,319 2/3 dollars be advanced to Samuel Ewing, pay master of the 2d Maryland batallion of continental troops, for the use of the said batallion, he to be accountable.

Resolved, That Mr. president write to the executive powers of each of the thirteen ||United|| States, requesting them to transmit to this Congress, with all convenient despatch, authenticated copies of all the petitions, memorials, and remonstrances, that were sent to the king and parliament of Great Britain, respecting American grievances, between the 1st of January, 1764, and the 1st of September, 1774, inclusive, with the answers to such, if any have been received.

The Committee of Treasury reported,

That there is due to John Jarvis, for the pay of a company of Bucks county militia in Colonel Kirkbride's batallion, between the 28th of December and 27th of March, the sum of 461 67/90 dollars:

That there is due to Captain Stephen Porter, for balance of payment and mileage of a company of Philadelphia county militia, between the 17 December and 4 February, the sum of 79 81/90 dollars:

That there is due to Captain Francis Nichols, for difference between the pay of a lieutenant and captain, from 1 January to 15 November, 1776, the sum of 109 dollars:

That there is due to James Millegan, John Carter, and John Wells, for their pay as commissioners for settling the army accounts in the northern department, from 26

[1] A letter from James Mease, calling for this sum, is in the *Papers of the Continental Congress*, No. 78, XV, folio 185.

July to 9th May, inclusive, 287 days, at four dollars each per day, is 3,444 dollars:[1]

Ordered, That the said accounts be paid.

The Board of War brought in a report, which was taken into consideration: Whereupon,

Postponed

That the Proposals made by Monsieur Bajeu Laporte, for raising a Regiment of Frenchmen in Martinique and Saint Domingo, to be taken into the service of the States, are worthy of the Attention of Congress; and that a Committee be appointed to settle the Terms on which the said Regiment shall be raised, and complete the Comtract with Monsieur Laporte.

Resolved, That General Washington be informed, that Congress are deeply concerned at the many reports they constantly receive of the misbehaviour of great numbers of the officers of the army in neglecting to settle with, or designedly withholding the pay of the soldiers, whereby the greatest injuries accrue to our cause, by occasioning discontents and desertions among the soldiery; and that it be recommended to the General, to establish a court of enquiry, to examine into the conduct of the officers as to the payment of their men, to consist of general officers only; and that the pay masters furnish the said court, or any person or persons authorized by them, with accounts of all moneys paid to officers for the payment of their regiments, troops or companies; and if any officer or officers shall be found delinquent in the payment of the men under their command, such officer or officers be dismissed with infamy, and accounts of their misconduct transmitted to the States wherein they were appointed; in order that the said officers be prosecuted at law, as peculators and public plunderers, for any sum or sums they may be found in arrear.

[1] This report is in the *Papers of the Continental Congress*, No. 136, I, folio 157.

That it be recommended to the legislatures of the several States, to observe great caution in settling the terms on which the militia shall be excused from personal service, agreeable to the resolve of Congress of the 14 day of April last; the measure therein recommended having been found, by experience, subject to great abuses and inconveniencies.[1]

A petition from Francis Wade, and a petition from John Lawrie, Michael Mount, and Jacob Hendrickson, were read:

Ordered, That they be referred to the committee on the commissary's department.

Congress proceeded to the election of a Commissioner for the courts of Berlin and Vienna, and the ballots being taken,

William Lee, Esqr, was elected for the court of Berlin and ~~for the court~~ of Vienna.

Ordered, That Mr. [Daniel] Roberdeau have leave of absence for a few days for the recovery of his health.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

[1] This report is in the *Papers of the Continental Congress*, No. 147, I, folio 161.

In the *Papers of the Continental Congress*, No. 36, I, folio 8a, is the following motion in the writing of Richard Henry Lee, with the last three lines in that of John Hancock:

"That Mr President write a letter to Governor McKinley expressing the sense this Congress entertain of the spirited alacrity shewn by the Militia of the State of Delaware, to comply with the Resolve of Congress of the 25th of April last; and to inform Governor McKinley, that from present appearances, Congress are of opinion there is no immediate necessity for the Militia of Delaware to be called into the field, and therefore desire the execution of the said resolve may be suspended until the further Request of Congress thereupon; and that the said Militia hold themselves in readiness to take the Field on the Shortest notice."

"May 10, postponed to Wednesday next."

SATURDAY, MAY 10, 1777

Resolved, That the sum of 4,000 dollars be paid to John Anderson, or order, and charged to the account of Colonel George Morgan, the same being in full of Colonel Morgan's draught in favour of the said Mr. J. Anderson, dated Fort Pitt, February 12, 1777.

A letter, of the 9, from Governor J. M'Kinley, ||president of Delaware||;

One, of the 2d, from Major General Gates, at Albany;

One, of the 22d of April, from Colonel H. [William] Crawford, at Fort Pitt;

Also, the proceedings of a court martial held at Philadelphia, the 30th of April, 1777, on the trial of Captain Lang, with General Schuyler's disapprobation thereof, delivered at head quarters, Philadelphia, May the 9th; and also the proceedings of a court martial on sundry prisoners, held at Philadelphia, May the 5th, and approved by the general, were laid before Congress, and read:[1]

Ordered, That the letter from General Gates, and the proceedings of the court martial, with the general orders, be referred to the Board of War.

Ordered, That the Board of War take steps to enquire into the conduct of Captain Gamble, a prisoner at Princeton, and particularly of Dr. Stapleton, who has been permitted to attend Captain M'Pherson, a prisoner of the 17th British regiment, at the same place: That they write to Governor Livingston relating to the conduct of the said Dr. Stapleton, and transmit to General Washington the result of their enquiries, and desire him to ~~take such steps for removing the aforesaid officers from Princeton and~~

[1] The letter of President McKinly is in the *Papers of the Continental Congress*, No. 70, folio 607. That of Gates is in No. 154, I, folio 181; that of Crawford is in No. 78, V, folio 87.

~~the line of communication, and for arresting or otherwise treating~~ give such order, respecting the said doctor, as may be consistent with the laws of nations and the public weal; and that they give orders for the immediate removal of the said officers and doctor from Princeton and the line of communication.

Resolved, That one thousand dollars be advanced to Major George Lyne, of the 12 Virginia regiment, for the use of the said regiment.

Resolved, That the case of the soldiers in the 7th Virginia regiment, be referred to the Board of War, who are desired to report whether any cloaths are to be allowed to them.

The Committee of Treasury reported,

That there should be advanced to Major Ottendorf, for the use of his corps, the sum of 500 dollars; he to be accountable:

That there should be advanced to James Hunter, pay master to the 4th Pensylvania batallion of continental troops, 2,000 dollars, on account of the said battalion; the said pay master to be accountable:[1]

That there is due to Philip Melton, late a private in Captain Rippey's company of the 6th Pensylvania regiment, for a rifle-gun of his taken by the enemy, 13 60/90 dollars:

That there is due to William Millegan, late a private in Captain Talbot's company, of the 6th Pensylvania regiment, for his pay from the 1 August to the 20th March, 1777, being 7 months 20 days, at 50/ ||6 2/3 dollars|| per month, 51 10/90 dollars.[2]

||*Ordered*, That the said accounts be paid.||

[1] This report is in the *Papers of the Continental Congress*, No. 136, I, folio 159. The second paragraph is in the writing of James Duane.

[2] This report is in *the Papers of the Continental Congress*, No. 136, I, folio 161.

The Committee on Foreign Applications brought in a report, which was taken into consideration; Whereupon,

Resolved, That Mons. Armand have a commission, with the rank ~~and pay of a major~~ of colonel, and that he be directed to repair to General Washington.

That Monsieur Malmedy be promoted to the rank, and pay, of a colonel in the service of these United States.[1]

The several matters &c ||to this day referred, being postponed,

Adjourned to 10 o'Clock on Monday.||

MONDAY, MAY 12, 1777

A letter, of the 5th, from Major General St. Clair, at Bedford, was read.

A petition from Ebenezer Hazard, was read:[2]

Ordered, That the same be referred to the committee on the post office.

Ordered, That the Committee for foreign affairs, prepare a draught of a commission and proper instructions for the commissioners appointed to the courts of Madrid, Vienna, Berlin and Tuscany.

A petition from Simon Edwards and others, pilots at Lewes, was read:

Ordered, That the same be referred to the Marine Committee.

Resolved, That the Secret Committee be empowered to employ the *Amphitrite* as an armed vessel in the service of the United States, on the best terms they can make with the captain, and to allow him for his owners, him-

[1] Malmedy had already received from Rhode Island the rank and pay of a Brigadier general.

[2] The letter of St. Clair is in the *Papers of the Continental Congress*, No. 161, folio 497; that of Hazard is in No. 41, IV, folio 15.

self and crew, such share of the prizes by her taken as shall be agreed on between them.

Congress proceeded to the election of two brigadiers general, and, the ballots being taken, Colonel Jedediah Huntington, and Colonel Joseph Reed, were elected.

The committee on the post office, to whom Mr. Hazard's Memorial was referred, brought in a report, which was taken into consideration; Whereupon,

Resolved, That all post masters, post riders, and persons immediately concerned in conducting the business of the post office, ought to be exempted from all military duties; and that it be recommended to the legislatures of the different states, to exempt such persons accordingly.[1]

A letter, of the 5, from Governor Trumbull, was read:[2]

Ordered, That the same be referred to the Board of War.

A motion being made respecting General Schuyler:

Ordered, That the same be referred to the Board of War.

A letter, of the 9th, from General Washington, with a copy of one of the 30th November last from S. Deane, brought by Colonel Conway, were read:[3]

Ordered, That the same be referred to the Committee on Foreign Applications.

Resolved, That a member be added to the said committee:

The member chosen, Mr. [Charles] Carroll.

Resolved, That 1,000 dollars be advanced to Captain Matthew Irwin, to enable him to raise the company to which he is appointed by General Washington, in one of the sixteen regiments.

[1] This report, in the writing of Richard Henry Lee, is in the *Papers of the Continental Congress*, No. 61, folio 449.

[2] This letter is in the *Papers of the Continental Congress*, No. 66, I, folio 333.

[3] This letter and enclosures are in the *Papers of the Continental Congress*, No. 152, IV, folio 157. It is printed in *Writings of Washington* (Ford), V, 353.

Resolved, That the committee on appeals be authorized to appoint a register to attend the said committee.

The several matters &c ||to this day referred, being postponed,

Adjourned to ten o'Clock toMorrow.||

TUESDAY, MAY 13, 1777

Resolved, That 800 dollars be advanced to Captain Craig, of the light horse, for the use of his troop; he to be accountable.

Ordered, That the Board of War enquire into the truth of a report, that Captain Craig has inlisted into his troop some deserters and prisoners from the enemy, and take such measures as are consistent with the resolutions of Congress and the public service.

A letter, of the 10, and one of the 12, from General Washington, were read:[1]

Ordered, That the same be referred to the Board of War, who are directed to send, to the Board of Treasury, a copy of such parts thereof as relate to the accounts of the army.

Sundry resolutions of the convention of the State of New York were laid before Congress, and read.[2]

The Board of War, to whom their report on the petition from some inhabitants of Nova Scotia was recommitted, brought in a report which was taken into consideration; Whereupon,

Resolved, That the council of the Massachusetts bay be requested to consider the case of the inhabitants of Cum-

[1] These letters are in the *Papers of the Continental Congress*, No. 152, IV, folios 171 and 179. They are printed in *Writings of Washington* (Ford), V, 354, 359.

[2] These resolutions, in answer to those of the Congress of April 22, on the statute laws, discoveries and improvements in the arts of war, etc., are in the *Papers of the Continental Congress*, No. 67, II, folio 55.

berland and Sunbury counties in Nova Scotia, who are sufferers by their attachment to the American cause and to devise and put in execution at continental expence such measures as the said council shall think practicable and prudent for the relief of the said sufferers; and to enable such of them as may be desirous of removing to a place of greater safety, to bring off their families and effects, and the said council is hereby authorised to raise a number of men if necessary for that service, not exceeding five hundred in such places as will least interfere with the raising their quota of troops for the continental army.

The Committee on Foreign Applications, to whom the letters by Colonel Conway were referred, brought in a report; Whereupon,

The Committee on foreign applications recommend Thos. Conway, Knight of the Order of St. Louis, as worthy to be admitted a Brigadier into the Service of these United States, having been in the service of the King of France 30 years; with the rank of Col.º in the Irish Brigades from the 9th of November 1772; having also strong recommendations from Mr Dean Your Commissioner, and speaking our language fluently.[1]

Resolved, That another brigadier general be appointed:

The ballots being taken, Thomas Conway, knight of the order of St. Louis, was elected.

The Board of Treasury reported,

That they have examined the late General Montgomery's accounts with the United States; Major General Schuyler's accounts down to the 20th of March last; the accounts of Jonathan Trumbull, Jun. Esqr pay master general of the northern department, to the 28 day of January; and the accounts of Walter Livingston, Esqr deputy commissary general for the said department, as

[1] This report, in the writing of James Lovell, is in the *Papers of the Continental Congress*, No. 25, I, folio 10.

respectively reported to them, and settled and adjusted by the commissioners of accounts of the army in the said department; and that they approve of the settlement and adjustment of the said respective accounts by the commissioners; ||Whereupon,||

Resolved, That the said report stand confirmed.

Resolved, That the several purchasing and issuing deputy or assistant commissaries, in the northern department, settle and adjust their accounts of receipts and expenditures, and issues, with the commissioners for settling the accounts of the army in the said department.[1]

Resolved, That every warrant of a general officer, having authority to draw on the military chest, or pay master, or deputy pay master general in any department, shall specify the particular service or account for which the same shall be drawn, in order to enable the treasury board, and commissioners of accounts, to make the proper charges, and to do justice to the public.[2]

Resolved, That Colonel Hartley's accounts be referred to the commissioners for examining the claims against the United States, and that they be directed to report thereon specially.

A letter, of the 6, from R. Yates, at Albany, enclosing a copy of a letter from James Deane, was read:

[1] This report, dated May 3, is in the *Papers of the Continental Congress*, No. 136, I, folio 147.

[2] This paragraph is in a report in the *Papers of the Continental Congress*, No. 136, I, folio 87. It is followed by this paragraph:

"*Resolved*, That no allowance for any service or loss, be made by the General or Commanding Officer in any Department or at any Post, but such as is directed by Congress, and that all claims and demands against the United States for which no particular provision is made, shall be presented to the Commissioners of accounts in the respective Department, in order to their being properly examined and allowed when such Commissioners are Authorized to make a final settlement or otherwise reported to the Treasury Board for the determination of Congress."

This paragraph was postponed. At the foot of the report is written: "Agreed to take the direction of Congress in the case of Prisoners dismissed by the Army on their Parole, particularly those which lately belonged to the Flying Camp."

Ordered, That the same be referred to the Standing Committee for Indian affairs.

A letter from James Mease, Esqr was read:

The Committee of Treasury reported,

That there is due, to Robert Stephens, for four rifles delivered to Captain H. Stevenson, for the use of his rifle company, the sum of 55 30/90 dollars, to be charged to the account of the said Captain Stevenson:

That there is due to Walter Shee, for superintending the printing and rolling-press, for the loan-office certificates, twenty-six days, at 2 dollars per day, 52 dollars:

That there is due to Leonard Klein, for the half ferriage of troops over Conestoga creek, the sum of 36 35/90 dollars, to be paid to John Mucer:[1]

That there should be advanced to Mr. [William] Clajon, secretary to Major General Gates, 200 dollars on account of his pay.

Ordered, That the said sums be paid.

An appeal from the judgment of the court of admiralty, for the State of Rhode Island and Providence Plantations, on the libels of Joseph Stanton, &c. and Samuel Champlin, &c. against the schooner *Two Brothers*, being lodged ||with the secretary||, was referred to the Standing Committee on Appeals.

Congress took into consideration the report of the Committee of the Whole house on the Articles of Confederation; and, after some time spent thereon,

Resolved, That the further consideration be postponed.

The Board of War brought in a report, which was taken into consideration; Whereupon,

Resolved, That General Washington be requested to enquire into the case of Major Campbell, of the 8 Virginia regiment, and if his commission, which was ordered

[1] This report is in the *Papers of the Continental Congress*, No. 136, I, folio 163.

him by the resolution of Congress, of the 21 January last, was out of course, that the General be empowered to settle all disputes between the said Major Campbell, and all the other officers belonging to the State of Virginia, concerning rank; and, if the General shall so determine, that the said commission be rendered null and void.

Ordered, That the Secret Committee deliver to the quarter master general, the linen in their hands fit for tents.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, MAY 14, 1777

On motion,

Resolved, That a copy of the complaint lodged with the Marine Committee, against Commodore Hopkins, be delivered to Mr. [William] Ellery, for the said Commodore Hopkins.[1]

A letter of the 9th, from General Washington, with sundry papers enclosed, was read:[2]

Ordered, That the same be referred to the Committee on Foreign Applications.

Resolved, That an order for ten thousand dollars be drawn on the treasurer at Baltimore, in favour of Robert

[1] In the *Papers of the Continental Congress*, No. 36, I, folio 8, in the writing of William Duer, is the following motion. It was presented May 13, and postponed:

"*Resolved*, That a Special Commission be made out for instituting a Court of Inquiry to examine into the Conduct of Esek Hopkins Esq., Commodore in the Navy of the United States, the said Court to consist of the Commissioners of the Navy in the Eastern Department and of

"That the Court so instituted be directed and authorized to report to Congress the Result of their Inquiry into the Conduct of Commodore Hopkins with all possible Despatch, in order that Congress may adopt such Measures in Consequence as to them shall appear most conducive to the public Welfare."

[2] This letter is in the *Papers of the Continental Congress*, No. 152, IV, folio 165. It is printed in *Writings of Washington* (Ford), V, 364.

Cummins, for supplying provisions to the troops passing through that town; he to be accountable.

That Mr. Cummins be directed to make up his accounts, and lay the same before the commissioners for claims at Philadelphia; and that he be directed to make no further purchases without the special orders of Congress.

The Board of War reported, "that they have enquired into the situation of Captain Craig's troop, and find there are no deserters from the enemy, or prisoners of war therein:

"That the Virginia soldiers, who served in the continental service, last winter, under General Washington, be allowed cloaths, agreeable to the General's directions, in consideration of the hardships they endured, and the services they have rendered."[1]

Resolved, That the said report be agreed to.

The Committee of Treasury, on a representation to them made by the managers of the lottery of the United States, brought in a report, which was taken into consideration; Whereupon,

Resolved, That treasury bank notes, for prizes which shall be drawn in the first class of the United States' lottery, of the denominations required by the scheme, be immediately prepared by the Board of Treasury; that the said notes be in the following form:

NUMBER. DOLLARS. NUMBER.

DOLLARS. The United States of America acknowledge themselves to be indebted to in dollars, being for a prize of that value, drawn in the United States' lottery, which they promise to pay to the said or bearer, on the day of with interest annually, at the rate of four per cent. agreeable to a resolution of the United States, passed the eighteenth day of November, 1776.

United States' Lottery.

Countersigned.

[1] This report is in the *Papers of the Continental Congress*, No. 147, I, folio 163.

That such notes be signed by Michael Hillegas, Esq[r] treasurer of the United States, or by his son, Samuel Hillegas, and countersigned by any one of the managers of the lottery, and numbered, from number one, progressively:

That the cash prizes in the three first classes of the lottery, shall be paid by the managers, and the treasury bank notes for the other prizes issued by them:

That the pre-emption of such tickets, in the next succeeding class, as shall not be renewed within the time limited in the scheme of the lottery, shall be granted to the fortunate adventurers in the preceding class, according to the order of their application:

That the managers of the lottery of the United States be directed, in cases of doubt or difficulty, to apply for advice to the Board of Treasury, who are empowered and directed to give the said managers such advice and directions respecting the drawing and conducting the business of the said lottery, as they shall judge prudent and expedient.[1]

A petition, signed Seth Sweetser, town clerk, in behalf of the town of Charlestown, ||in Massachusetts Bay,|| was read:[2]

Ordered, That the same be referred to a Committee of three.

The members chosen, Mr. [Charles] Carroll, Mr. [Thomas] Heyward, and Mr. J[onathan] B[ayard] Smith.

The committee on the commissary's department brought in a report, which was read:

Ordered, To lie on the table for consideration.

[1] This report is in the *Papers of the Continental Congress*, No. 136, I, folio 165.

[2] This petition is in the *Papers of the Continental Congress*, No. 42, II, folio 23.

Congress resumed the consideration of the report on the quarter master general's department; Whereupon,

Resolved, 1. That the quarter master general of the army be authorized and empowered to appoint one commissary of forage for the army, and one for each of the military departments thereof, with such and so many forage masters as he shall judge necessary.

2. That the duty of the commissary of forage shall be to purchase such quantities of forage, and store the same in such magazines as the quarter master general, or the deputy quarter master general, of any department, shall, from time to time, order and direct. That the commissaries shall conform themselves in making purchases to such rules and regulations as shall be prescribed to them by the quarter master general, or deputy quarter master general of the department to which they shall severally belong.

3. That all forage purchased by any commissary of forage, and delivered into any magazine, shall be received by the forage master thereunto appointed, who shall give his receipts therefor, specifying the sort, quantity, and quality, as a voucher for the commissary of forage, to be by him produced to the quarter master general or deputy quarter master general of the department in support of his account.

4. That the commissaries of forage shall make a monthly return to the quarter master general or deputy quarter master general of the department, of all forage by them purchased, specifying to what forage master, and into which magazine the same was delivered, that the forage master may stand charged therewith.

5. That no forage master, to whose care any magazine of forage shall be committed, shall issue any part thereof unless by a written order of the commander in chief, the commander in chief of the department, the commanding officer of the post where such magazine may be established, the quarter master general or deputy quarter master general of the department, or one of his assistants, the waggon master general, or any other waggon master; such orders to specify for whose use the forage is intended; and every such order to be filed by the forage master, and a regular entry thereof made in a book to be by him kept for that purpose, as a voucher for the expenditure of the forage by him received.

6. That the forage masters shall make monthly returns to the quarter master general and deputy quarter master general, of the depart-

ments they belong to, of the state of their magazines, specifying the quantity left in store at the first and every succeeding return, the quantity received since the last return, the expenditure since such return, and what remains on hand.

7. And whereas it frequently happens that there is a necessity to detain hired carriages, the owners whereof were to find their own forage, far beyond the time for which the owners thereof agreed to serve, and who, if their own forage is expended, must have recourse to the public magazines, it is resolved, that such persons so detained and become destitute of forage, shall, upon the written order of any of the officers mentioned in the fifth resolution, be supplied out of the public magazines; and that the waggon master, before he signs the discharge for any such hired carriage, shall direct the forage master to endorse thereon the quantity, sort and quality of the forage furnished such person, that the same may be deducted out of the wages due to the owner of such hired carriage; all which deductions shall, by the quarter master general or deputy quarter master general of the department, be carried to the credit of the forage masters' account, who shall have furnished the forage.

8. That if the commissary of forage in any department should be ordered to procure such large quantities of forage as to render it impossible for him to do it without assistance, the quarter master general or deputy quarter master general of the department shall direct one or more of his assistants to aid the commissary of forage, pointing out the districts in which they are severally to purchase, that one may not enhance the price by bidding above another.

9. Whereas, notwithstanding the orders that have been from time to time issued by general officers of our army, to prevent the loss and embezzlement of intrenching tools, and other military stores, great waste hath been made; to prevent which, for the future, it is resolved, that every commissary of stores, store keeper, or person to whose charge and care any military stores of what kind soever shall be committed, shall pass his receipt for, and stand charged to be accountable for the same, and shall not issue any of them without taking a receipt therefor, the receiver promising to be accountable: and if any person having received any such stores, shall lose or embezzle the same, the commissary, store keeper, or person by whom they were delivered, shall charge him with the value thereof, and transmit a copy of such charge to the pay master general or deputy pay master general of the department, who is to charge the same to the pay master of the corps

such person may belong to, unless it shall appear that such loss happened without any blameable negligence or omission: and if any person in the continental service shall sell or otherwise dispose of any stores committed to his care, without a written order for so doing, issued by the commander in chief or commander in chief of the department, or by a general officer commanding at a separate post, he shall be punished for theft.

10. That the waggon master general of the army, or waggon master in any of the departments thereof, shall receive from the quarter master general or deputy quarter master general of any department, all such horses, cattle, and carriages as the service may require; and that neither the waggon master general, or any other waggon master shall, on any account, presume to purchase any horses, cattle, or carriages for the public service, without the express order of the commander in chief, the commander in chief of the department, the quarter master general or deputy quarter master general of a department; nor shall the waggon master general, or any other waggon master, hire any horses, cattle or carriages, unless by the authority aforesaid, or by that of an assistant deputy quarter master general.

11. That the quarter master general appoint such assistants and make such arrangements for conducting the business of his department, as to him and to the commander in chief, and commander of the departments, shall seem most conducive to the public weal; that a copy of such arrangement, specifying the names of the assistants, commissaries of forage, waggon master, forage masters, and clerks of the several departments, be transmitted to the Board of War: and that every assistant of the quarter master general of the army, and every assistant of the deputy quarter master general of the several departments thereof, shall make monthly returns of every article, of what kinds soever, that may be in or at any of the forts, encampments, magazines, or places in the district, committed to his care, to the deputy quarter master general of the department, noting what is good, what is reparable, and what is unfit for farther service, in separate columns; from which returns, the deputy quarter master general shall make one general return, in which shall be specified the total of all the articles in every district within his department; one copy whereof shall be monthly transmitted to the Board of War, one to the commander in chief of the department, and one to the quarter master general; from which returns, the quarter master general shall make a general return, specifying what is in each department and every

district thereof; one copy whereof shall be monthly transmitted to the Board of War, one to the commander in chief, and one to the commander of each department.

12. That every assistant quarter master, commissary of forage, waggon master general, forage master, and every other person employed in the quarter master general's branch, who shall neglect or refuse to make such monthly returns, shall be dismissed the service by the quarter master general or the deputy quarter master general of the department to which such delinquent belongs.

13. And in order that all deputy quarter masters general and assistants may make their returns in such a manner as to avoid that great confusion which has heretofore arisen from a want of method, the quarter master general is to furnish his deputies with a form, copies whereof they are to deliver to the assistants and to every person in the quarter master general's branch who may be called upon for a return.

14. That the quarter master general and the deputy quarter masters general in the several departments, have full power and be authorized, with the consent of the commander in chief, or the commander of the department, to dismiss any person by them employed, who shall refuse or neglect any duty enjoined by the foregoing resolutions, or any other duty he may be charged with, and to appoint others in the stead of such as may be dismissed.

15. The general and commander in chief of our armies, and the commander of any department thereof, shall be allowed as much forage for their horses and those of their suite as the service may require.

16. That a major general and brigadier general, not having the command of a separate department, shall each be allowed forage for six horses for themselves, their aids-de-camp, or brigade majors and servants.

17. That the commander in chief, and the commander in any separate department, be authorized to allow such quantities of forage, and for and during such times as they shall think proper, to the quarter master general and his deputies, to the muster master general and his deputies, the chief engineer and his assistants, the commissary general and his deputies, the director general of the hospital, his subs and surgeons general, to the adjutant general and his deputies, to the colonels, lieutenant colonels, majors, adjutants, quarter masters, and surgeons of regiments, and to provost marshals, or to such and so many of the before mentioned officers and their deputies as the service shall necessarily require; Provided, always, that if any of the officers

abovementioned, their deputies or assistants, should be allowed forage in consequence of any general orders hereafter given, and should nevertheless not keep any or so many horses as they would be permitted to draw forage for, that in such case, no forage shall be issued for more horses than they really have, nor shall they at any time thereafter be allowed any forage as back allowance or any money in lieu thereof.

18. That a deputy quarter master general be appointed to each department, and one to each grand division of the army; the rank of the former to be that of a colonel, of the latter, that of a lieutenant colonel.

19. That the quarter master general, with the approbation of the commander in chief, or commander in any separate department, appoint a competent number of deputy quarter masters general, a waggon master general, and so many waggon masters, as the service, from time to time, may require, and make a return to the Board of War, of the names of the persons so appointed.

20. That Major General Mifflin be allowed, for his services as quarter master general, 166 dollars per month, in addition to his pay as major general.[1]

That the pay of a deputy quarter master general of a grand division of the army, be seventy-five dollars per month:

That the pay of an assistant deputy quarter master general be forty dollars per month, and that he have the rank of a captain:

That the pay of a waggon master general be seventy-five dollars per month, ~~and that he have the rank of Colonel.~~

That the pay of a deputy waggon master general be fifty dollars per month, ~~and that he have the rank of Major.~~

That the pay of a barrack master general be seventy-five dollars per month, ~~and that he have the rank of a Lieutenant Colonel.~~

That the pay of a waggon master or conductor of waggons be forty dollars per month:

That the pay of a forage master be forty dollars per month.[2]

Resolved, That 200,000 dollars be advanced to the quarter master general for the public service, he to be accountable; and that the same be paid by an order in his favour

[1] This paragraph is in the writing of Roger Sherman.

[2] This report, in the writing of John Lansing, is in the *Papers of the Continental Congress*, No. 22, folio 125. It carries a memorandum by Charles Thomson: "500 copies and to be published in the newspapers."

on the commissioner of the loan office for the State of Pensylvania, for 150,000 dollars, and by another order in his favour on the commissioner of the loan office in the State of Connecticut, for 50,000 dollars.

The Committee of Treasury reported,

That there is due to Colonel Lewis Dubois, for the pay of his batallion of New York forces, the sum of 2,757 9/90 dollars:

That there is due to Captain Zephaniah Lott, for pay and mileage of a company of Bucks county militia, in Colonel Kirkbride's regiment, the sum of 271 30/90 dollars:

That there is due to Jacob Hiltzheimer, for sundry expresses he paid by order of Congress, the sum of 437 36/90 dollars:

That there is due to William Alexander, late a captain in the 7 Pensylvania batallion, for ballance of pay and sundry other charges, the sum of 513 63/90 dollars:

That there is due to Captain James Wilson, of the 6 Pensylvania regiment, for the ballance of his pay roll and sundry other charges, the sum of 640 76/90 dollars:

That there is due to Lieutenant Colonel Beyer, for the pay of himself and other field officers of Colonel Levant's batallion of Berks county militia, the sum of 311 dollars:

That there is due to George M'Candles, to be paid to Gillam Taylor, for keeping continental horses at Baltimore, 99 57/90 dollars:

That there is due to William Tricket, for stationary supplied by him to the president of Congress and Board of War, the sum of 139 18/90 dollars:[1]

Ordered, That the said sums be paid.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

[1] This report is in the *Papers of the Continental Congress*, No. 136, I, folio 169.

THURSDAY, MAY 15, 1777

A letter, of the 8, from Joseph Belton, was read, requiring an extraordinary allowance for his new invented gun.[1]

Ordered, That the same be dismissed.

The Board of War brought in a report, which was taken into consideration; Whereupon,

Resolved, That there be advanced to Colonel Thomas Hartley, seventeen thousand and eight hundred dollars, in order to enable him to fulfil the contracts he has made under the recommendation of the Board of War and the committee of Congress at Philadelphia, for arming and cloathing the batallion under his command; he to be accountable.[2]

That 177 70/90 dollars be paid to Joseph Nourse, clerk of the Board of War, for four month's salary, commencing 10th of January last:

That the sum of 790 57/90 dollars be advanced to the Board of War and Ordnance, for public service.[3]

A memorial from John Dorsey and others, surgeons of the ships and vessels of war in the port of Philadelphia; also

A petition from the lieutenants of the navy, and a petition from Benjamin Marshall and Thomas Search, were read:[4]

[1] The letter of the 8th is in the *Papers of the Continental Congress*, No. 78, I, folio 183. A second letter, dated the 7th, is on folio 175.

[2] This report, in the writing of James Wilson, is in the *Papers of the Continental Congress*, No. 147, I, folio 171.

[3] Probably based upon a memorandum in the *Papers of the Continental Congress*, No. 147, I, folio 169, asking for £150 "ordered by the Board of War to be paid to the three Pilots who informed against Molesworth," and £146 9 9 in favor of the Board of Ordnance, "to pay Andrew Burkhard for coals delivered Samuel Wheeler to make Field Pieces."

[4] A petition, without date, and signed by ten lieutenants, is in the *Papers of the Continental Congress*, No. 42, IV, folio 114.

Ordered, That they be referred to the Marine Committee.

Ordered, That the Treasury Board form and report to Congress, with all possible despatch, an estimate of the public expences for the present year, distinguishing, in such estimate, the expence of the commissary, quarter master and barrack master general, and the medical department; and that they confer with the Marine Board and with Major General Schuyler on this subject.

Resolved, That a committee of three be appointed to devise ways and means for defraying the expences of the present year; and that they confer on this subject with the Board of Treasury.

The members chosen, Mr. [Robert] Morris, Mr. [William] Duer, and Mr. [John] Witherspoon.

Resolved, That Major General Schuyler be directed to join Captain Burke's independent company to Colonel Patton's regiment, until General Washington shall otherwise direct.

The Committee of Treasury report,

That there is due to Henry Shitz, for 35 reams of paper for continental certificates, the sum of 350 dollars:

That there is due to Henry Frict, a private in Captain Hay's company of the 6th Pensylvania regiment, for a rifle gun, belonging to him, and lost in the public service, the sum of 14 30/90 dollars:

That there is due to Robert Criswell, for two months and ten days pay due to Charles Crook, a private in Captain William Armstrong's company of Colonel Montgomery's regiment of flying camp, which Crook was an apprentice to the said Criswell, and taken at Fort Washington 16th November, and died at New York 26th January, the sum of 15 50/90 dollars.[1]

Ordered, That the said accounts be paid.

[1] This report is in the *Papers of the Continental Congress*, No. 136, I, folio 171.

Resolved, That an order for 35,100 dollars be drawn on Nathaniel Appleton, commissioner of the loan office, for the State of Massachusetts bay, in favour of the said Nathaniel Appleton; the same being in full of two orders, drawn by Abraham Livingston and William Turnbull, on R. Morris, in favour of the said N. Appleton, one dated at Boston, March 5, 1777, for 20,100 dollars, the other, dated at the same place, March 17, 1777, for 15,000 dollars; and that the same be charged to the account of James Mease, cloathier general.

The Board of Treasury having requested the direction of Congress, relative to prisoners of the flying camp, to enable the commissioners of claims to settle several accounts, Whereupon, it was

Resolved, That officers and soldiers of the flying camp, who were taken prisoners, and released by the enemy, on their parole, or made their escape, be allowed pay to the time of their return home.

That it be referred to the Board of Treasury to consider whether any allowance, and how much, ought to be made to the said prisoners for rations, and report thereon to Congress.

Resolved, [21] That every officer, non-commissioned officer, or soldier, in the army of the United States, who shall, on any pretence whatever, presume to take out of any stable, pasture, park, or carriage, any horse or horses belonging to the public, or any belonging to private persons actually employed in the public service, without having authority so to do, by written order of the commander in chief, the commander of any department, the commanding officer of any post where such horses may be, the quarter master general, or any of his deputies or assistants, or by the commanding officer of artillery, or any detachment thereof, who may give order for the taking of horses assigned to that corps only, such orders to

specify the particular service for which such horse or horses are taken, shall be, for such offence, as soon as may be, brought to a general court martial, and, if the fact is proved to the satisfaction of the court, the commander in chief, or other general officer having given order for such court to convene, shall, upon conviction, immediately dismiss from the service, such offender, if an officer, unless from some circumstances the commander in chief, or such general officer, shall see cause to pardon the offence; and if a non-commissioned officer or private, he shall order such corporal punishment to be inflicted as he may think proper, not exceeding one hundred lashes, unless from some circumstances, the commander in chief, or such general officer, shall see cause to pardon the offence.[1]

A petition from James Norris, with two affidavits enclosed, was read:

Ordered, That the same be referred to General Washington.

At a Board of War, *15th May 1777*

Agreed to Report to Congress.

Agreed

That Major Gen. Schuyler be directed forthwith to proceed to the Northern Department, and take upon him the Command there.[2]

That, a Letter be written by the President to Major General Gates, informing him, that Major General Schuyler is order'd to take upon him the Command in the Northern Department; and that Congress are desirous that Major General Gates should make his own choice, either to continue in the Command in the Northern Department, under Major General Schuyler; or to take upon him the Office of Adjutant General in the Grand Army immediately under the Commander in Chief, with the rank he now holds, and the pay and Appointments mentioned in his Letter to the President of the Day of last.[3]

[1] This report, in the writing of Philip Schuyler, is in the *Papers of the Continental Congress*, No. 22, folio 145.

[2] See under May 22, 1777, *post*.

[3] This report is in the *Papers of the Continental Congress*, No. 147, I, folio 165.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

FRIDAY, MAY 16, 1777

A letter, of the 12, and one, of the 13, from General Washington;

One, of the 15, from Major General Putnam, were read:

Ordered, That they be referred to the Board of War.

George Frost, Esqr a delegate from New Hampshire, attended, and produced the credentials of his appointment. which were read as follows:

STATE OF NEW HAMPSHIRE,
IN THE HOUSE OF REPRESENTATIVES,
April 1, 1777:

Voted and resolved, that Major-General Nathaniel Folsom, and the Honorable George Frost, Esq. be, and hereby are, chosen and appointed Delegates to represent this State in the Continental Congress, for one Year next ensuing, with all such Powers and Authorities as the Delegates heretofore appointed, by this State, have had and exercised.

Sent up for Concurrence,

JOHN DUDLEY, *Speaker, pro tempore.*

In Council, the same Day read and concurred:

Attest, E. THOMPSON, *Secretary.*

Resolved, That ten thousand dollars be advanced to Colonel Stephen Moylan, for the service of his regiment of light-horse; he to be accountable for the expenditure.

The committee to whom the petition from the town of Charlestown, was referred, reported, "That they have duly attended to the several facts set forth in the said petition, and while they lament the ~~miserable~~ distressed condition of the petitioners, reduced, from affluence and ease, to want and penury, by the calamities of war, they

regret the inability of the United States to afford the solicited relief. Though the estimation of the damages sustained may be very moderate, and the great and early sufferings of the inhabitants of Charlestown entitle them to particular attention, yet the committee apprehend, that if Congress were to pay that valuation, claims, much more extensive, and of a similar nature, will be made by other sufferers, and subject the United States to the payment of sums of money, which, in the present exigency of their affairs, cannot be spared from the support of the present just and necessary war."

~~The Committee are of opinion that Congress should recommend to the Legislatures of the several states, to take such measures as to them shall seem most proper for the immediate relief of their respective subjects, who by the ravages of our enemy and the fate of war may be reduced to the wretched condition of the Inhabitants of Charlestown.~~[1]

Resolved, That Congress agree to the said report.

Resolved, That the committee on the commissary's department, be empowered to administer oaths or affirmations to persons examined by them.

The Board of War brought in a report, which being read and debated, was, at the request of a Colony, ||State|| postponed till to morrow.

||The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.||

SATURDAY, MAY 17, 1777

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock on Monday.

[1]This report, in the writing of Jonathan Bayard Smith, is in the *Papers of the Continental Congress*, No. 20, II, folio 357.

MONDAY, MAY 19, 1777

A letter, of the 16, from General Washington, was read:[1]

Resolved, That one hundred thousand dollars be advanced to Joseph Trumbull, Esq[r] commissary general, for public service; he to be accountable.

Ordered, That Mr. [George] Clymer and Mr. [James] Wilson have leave of absence; the former for the recovery of his health, the latter to transact some private affairs.

Application being made in behalf of John Glover for leave to return home to his friends in England,

Resolved, That he have leave to return in a continental vessel by the way of France.

Resolved, That Mrs. Graydon be permitted to go to New York to have an interview with her son, a prisoner, at such time and in such manner as General Washington shall direct.

Resolved, That Captain Thomas Webb be considered as a prisoner of war; and that it be referred to the Board of War to deal with him accordingly as they shall judge consistent with the public weal.

A petition from Nathaniel Forster, of Cape May, in behalf of himself and divers other inhabitants of the said Cape, was read; praying to be supplied with a few pieces of cannon, and a suitable quantity of ammunition, for the defence of the inhabitants of the Cape, and protection of vessels that may be there driven ashore:[2] Whereupon,

Ordered, That the Marine Committee supply the petitioners with six pieces of cannon, and that the Board of War supply them with a suitable quantity of ammunition.

[1]This letter is in the *Papers of the Continental Congress*, No. 152, IV, folio 183. It is printed in *Writings of Washington* (Ford), V, 367.

[2]This petition is in the *Papers of the Continental Congress*, No. 42, III, folio 23.

The Committee for Foreign Affairs brought in a draught of commissions and instructions to the Commissioners to the courts of Vienna, Spain, Berlin and the Grand Duke of Tuscany, which were read; and after debate,

Resolved, That the same be recommitted.

A letter of the [15th] from Governor Johnson to the Marine Committee, with sundry papers enclosed, was laid before Congress ||and read;|| also,

One of the 9, from William Aylett, Esqr at Williamsburg;

One of the 17th, from Jonathan Hudson, at Baltimore; and one, of this day, from the board of war for the State of Pensylvania, were read:[1]

Ordered, That the letter from the board of war of Pensylvania be referred to the Board of War; that the letter from Mr. Aylett be referred to Joseph Trumbull, Esqr commissary general.

Resolved, That 20,000 dollars be advanced to Mr. Jonathan Hudson, Esqr for public service; he to be accountable:

That Mr. J. Hudson, the pay master at Baltimore, be informed that the arrearages due to the troops on their march from the southward, will be discharged at Philadelphia or Bristol; and that it is not the intention of Congress that he should advance larger sums than are necessary to forward their march to head-quarters.

Resolved, That a committee of three be appointed to consider what honours are due to the memory of the late Brigadier Wooster, who died on the 2d day of May, of the wounds he received on the 27th day of April, in fighting against the enemies of American liberty:

[1] The letter of Johnson is in the *Papers of the Continental Congress*, No. 70, folio 191; that of Aylett, in No. 78, I, folio 81; that of Hudson, in No. 78, XI, folio 161; and that of the Pennsylvania Board of War, in No. 69, I, folio 359.

The members chosen, Mr. [Thomas] Heyward, Mr. S[amuel] Adams, and Mr. [Mann] Page.

The Board of War brought in a report, which was taken into consideration: Whereupon,

Resolved, That no stoppages be made for the present from the pay of soldiers who were servants, for any moneys paid their late masters; and that it lie over for future consideration, whether such moneys be charged to continental account, or be borne by the particular States wherein the servants were enlisted.

That Governor Trumbull be requested to erect at the expence of the Continent, a Monument to the memory of General Wooster, the expence, for erecting the same, not to exceed the sum of five hundred Dollars.

That Mr. President M'Kinley be informed that the independent company ordered by Congress to be raised and stationed at Lewistown, and the places adjacent in the Delaware State, was intended as a relief to the militia of that State; and that Mr. Fisher being thought a proper person to command, had the offer of being appointed the captain; but, on his declining it for the sake of expedition, power was given him to nominate officers, measures of a similar nature having been repeatedly taken in other States especially for particular and local purposes, and no offence meant to or taken by the governments of such States:

That the commissary general has been directed to appoint a person to supply the company with provisions; and that orders are given to the captain to obey any directions he may receive from the government of the Delaware State: that the president be informed, that the captain of the company is directed to apply to him for the 1,500 dollars, agreeable to his request; and that he,

the president, be informed, Congress consent that the encampment of the militia for the present be in the Delaware State, at or near the place pointed out in his letter, below Chester; and that they be held in readiness to march out of that State, if the service shall so require it; but that, if no provision has been already made by law for that purpose, that it be recommended to the legislature immediately to make such provision.

Resolved, That the president be desired to write to the legislatures of the States of Pensylvania and Maryland, recommending to them to make provision by law to march their militia out of their respective States, when necessary for the common defence; and to authorize the executive powers, from time to time, to limit the continuance of the militia in service when called out, and to what distance they may be ordered to march.

Resolved, That Matthias Christman, an indented servant of John Bringhurst, inlisted in Captain Lang's company, in Colonel Hubley's regiment, be discharged by the commanding officer of the said regiment; and that Captain Lang be directed forthwith to repair with his company to head-quarters.[1]

The Committee of Treasury laid before Congress accounts settled by the commissioners for adjusting accounts, to be presented to Congress for payment: Whereon they report,

That there is due to Christopher Patterson, who served in Colonel Wood's battalion of Pensylvania forces in Canada, five pounds, two shillings and six pence, this sum was due him before the batallion was paid off at the end of their inlistment, and which would then have been paid him, but, being sick in the hospital, his name was omitted in the muster roll; equal to 13 60/90 dollars.

That there is due to Captain William Houston, of Col-

[1] This report is in the *Papers of the Continental Congress*, No. 147, I, folio 173.

onel Frederick Watts's batallion, flying camp, for 27 rifles guns and one drum, lost at Fort Washington, the sum of 376 42/90 dollars:

That there is due to Lieutenant Colonel John Reiss, for the pay of the two following companies of the Berks county militia, viz. Capt. Farry's company, 683 8/90 dollars, Captain Hetrick's company, 535 4/90 dollars, the whole amounting to 1,218 12/90 dollars.[1]

Ordered, That the said accounts be paid.

Resolved, That there be put into the hands of the commissioners of claims, for the purpose of paying the prisoners who were taken at Fort Washington, the sum of 1,000 dollars; they to be accountable.

That there be advanced to Lieutenant Samuel Cobbs, of the 2d Virginia regiment, and charged to the account of Alexander Spotswood, colonel of the said regiment, the sum of 100 dollars.[2]

Congress resumed the consideration of the report of the Board of War of the 16, and, after debate,

Resolved, That the farther consideration thereof be postponed till to morrow.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

TUESDAY, MAY 20, 1777.

Sundry letters and petitions were read, viz:

A letter, of this day, from General Arnold, with a printed paper enclosed, signed John Brown;

One from H. Williamson; and one, of the 19th, from Dr. W. Shippen, director general; one from Joseph Trumbull, ||commissary general||;

[1] This report is in the *Papers of the Continental Congress*, No. 136, I, folio 173.

[2] This report is in the *Papers of the Continental Congress*, No. 136, I, folio 177.

One, of the 10, from Alexander Martin, colonel of the 2d batallion of North Carolina forces, at Fredericksburgh;

One, of the 17th, from President M'Kinley, at Wilmington;

Also, a memorial from John Cary, and a petition from Timothy Folger.[1]

The Board of War laid before Congress a petition from George Lyne, major of the 12 Virginia regiment,[2] wherein the major prays that the rifles and powder-horns of Captain Michael Bowyer's company of the said regiment, may be received by the commissary general of military stores, and that the men receive for them a reasonable price, the said company having been raised by the convention of the State of Virginia, for the defence of the frontiers, and not to be drawn from thence without their consent, and each to receive, for the use of their rifles, 20/ per annum; but, being taken into continental service, and having agreed to march with the regiment, fourteen of them have brought their own arms with them, not having had time or opportunity to dispose of them before they began their march; Whereupon,

Resolved, That the said arms be received by the commissary general of military stores; and that they be appraised, and the appraised price paid to the men; also that the difference between the appraisement and what the said arms cost the men, be also paid them as a compensation for the use of the arms.

Resolved, That the quarter master general be directed to procure a horse, and present the same, properly caparisoned, to Major General Arnold, in the name of this Congress, as a token of their approbation of his gallant conduct

[1] The letter of Arnold is in the *Papers of the Continental Congress*, No. 162, folio 86; that of Williamson in No. 78, XXIII, folio 405; that of Shippen in No. 78, XX, folio 403; that of Trumbull in No. 78, XXII, folio 217; that of Martin in No. 78, XV, folio 189, and that of McKinly in No. 70, folio 611.

[2] This petition is in the *Papers of the Continental Congress*, No. 42, IV, folio 136.

in the action against the enemy in their late enterprize to Danbury, in which General Arnold had one horse killed under him, and another wounded.

Ordered, That the letter from General Arnold, with the paper enclosed, be referred to the Board of War, together with such complaints as have been lodged against General Arnold:

That the letter from Dr. Shippen be referred to the Medical Committee;

Ordered, That Dr. Williamson's letter be dismissed.

Resolved, That the vessels now laden on account of the United States, by Mr. Commissary Aylett, with flour for the eastern states, excepting such as are to be employed in transporting provisions to the Head of Elk, may sail at such time as Mr. Aylett shall think proper.

Ordered, That the petition of T. Folger be referred to the Marine Committee;

That the petition from John Cary be referred to General Schuyler.

A letter, of the 2d, from J. Warren, speaker of the House of Representatives of the State of Massachusetts bay; and one, of the 7, from E. Hancock, deputy pay master general in the eastern department, were read:[1]

Ordered, That the former be referred to the Board of War, and the latter to the Board of Treasury.

Resolved, That the sum of five millions of dollars, in bills on the credit of the United States, of the same tenor (excepting the date), and ||of the same|| denominations as the last emission, be forthwith emitted under the direction of the Board of Treasury.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

[1] The letter from Warren is in the *Papers of the Continental Congress*, No. 78, XXIII, folio 401.

WEDNESDAY, MAY 21, 1777

General Schuyler laid before Congress the proceedings of a court martial, held at Philadelphia on Monday and Tuesday of May the 19 and 20, on the trial of John Brown, alias John Lee, signed by Stephen Moylan, president, wherein the court determined "That the prisoner is guilty of conducting five men to Brunswick; of holding a traiterous correspondence with the enemy, in offering himself as a pilot to General Howe, to conduct the British army from Brunswick to Philadelphia; and also in promising to discover to the enemy to what place the continental stores, from Philadelphia, were removed; and the court found the prisoner guilty of a breach of the nineteenth article of the thirteenth section, and were of opinion that he should suffer death; but, from some circumstances which appeared on his trial, the court think proper to recommend him to the General as an object of mercy."

Ordered, That the said proceedings be referred to the Board of War; and that they ~~send for the President of the Court and~~ enquire ~~of him~~ into the circumstances that induced the court to recommend the criminal as an object of mercy, and report to Congress.

Congress took into consideration the letter from Governor Johnson, with the several papers enclosed; and, after some debate,

Resolved, That the farther consideration thereof be postponed till to morrow.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

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